

**ALABAMA LAWS**  
(and Joint Resolutions)  
**OF THE**  
**LEGISLATURE OF ALABAMA**  
**PASSED AT THE**  
**SPECIAL SESSIONS 1978**  
**REGULAR SESSION 1978**

**VOL. I**



**GEORGE C. WALLACE, Governor**  
**JERE BEASLEY, Lieutenant Governor**  
**JOE FINE, President Pro-Tem of the Senate**  
**JOE C. McCORQUODALE, JR., Speaker of the House**  
**ROBERT T. CROWE, Speaker Pro-Tem of the House**  
**McDOWELL LEE, Secretary of the Senate**  
**JOHN W. PEMBERTON, Clerk of the House**

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**WITH AN INDEX PREPARED BY THE**  
**LEGISLATURE REFERENCE SERVICE**

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The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1978 Regular Session and Special Sessions of the Legislature of Alabama and is the official publication of such acts.

**Agnes Baggett**  
Secretary of State

MESSAGE OF GOVERNOR GEORGE C. WALLACE  
TO JOINT SESSION OF THE ALABAMA LEGISLATURE  
AT SPECIAL SESSION JANUARY 3, 1978

Gentlemen:

I have called you into extraordinary session today so that you may consider and pass unemployment compensation legislation to bring the State of Alabama into compliance with changes in Federal law.

It is imperative that we pass the necessary legislation as soon as possible and it is my opinion that the bill can be passed in a five day session. This will result in having the bill considered and enacted into law prior to the convening of the regular session on January 10th; it will also mean that the legislation can become law as soon as possible after January 1st, the effective date of the Federal legislation.

Based on an opinion of the Attorney General of Alabama and communications from the Secretary of Labor, I am convinced that the legislation can be made retroactive to January 1st; however, it is urgent that such passage be completed as soon as possible.

The failure of your body to enact all of the required provisions of the Federal law and to implement these provisions effective January 1, 1978, will result in the denial of offset credit that has heretofore been available to Alabama employers. This would amount to approximately \$160,000,000 annually. Neither the Secretary of Labor nor the Secretary of the Treasury have any discretion in this matter since the sanctions are quite clearly spelled out in the Federal law.

In addition, Alabama would become ineligible for Federal grants for the administration of the Unemployment Insurance Program and certain portions of the employment service operation amounting to some two million dollars per month. These funds will be withheld until the law is enacted.

Alabama's working people and employers will be adversely affected in other significant ways should we for any reason fail to provide this much needed legislation early in January.

As you know, this legislation was introduced in the 1977 regular session but died in conference committee on the last night of the session. It was again presented in the special session but failed to pass.

I know that you, as members of the Legislature, join me in expressing appreciation to those who have worked long hours to bring about a near total agreement in this matter. Should there be suggested changes or amendments, I hope that you would deal with

them as expeditiously as possible and, in any event, within the minimum of five legislative days. I do know that a sincere effort has been made to reach agreement on such issues as support personnel for schools and while everyone involved may not be in total agreement, I do feel that for all practical purposes this matter has been resolved.

I appreciate your willingness to meet and work on this matter prior to the regular session and I again urge you to consider this legislation promptly.

Respectfully,

GEORGE C. WALLACE  
Governor

# ALABAMA LAWS

## And Joint Resolutions

### SPECIAL SESSION 1978

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Act No. 1

H.1—Folmar, Johnstone

#### AN ACT

To amend Section 25-4-8, Section 25-4-10, Section 25-4-51, Section 25-4-54, Section 25-4-70, Section 25-4-74, Section 25-4-75, Section 25-4-130, Section 25-4-131, and Section 25-4-145 of the Code of Alabama, 1975, relating to the Alabama Unemployment Compensation Act, so as to expand coverage to employees of the State and its instrumentalities and to provide financing for the benefit costs for such employees; to extend coverage to employees of political subdivisions of this State, certain agricultural and domestic employers and public and non-profit primary and secondary schools; to accelerate the recovery of the Trust Fund to a more solvent condition by increasing the employers' rate of contribution by one-half percent (but not above the present 4.0% maximum rate) and to increase the taxable wage base from the current \$4,800 and the federally required \$6,000 to \$6,600; to require the expenditure of monies from the various funds, departments and agencies of the state and its various political subdivisions and to make an appropriation from The Special Educational Trust Fund for benefit costs to local school systems, and to give the Act retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 25-4-8, Code of Alabama 1975, is hereby amended to read:

§ 25-4-8.

(a) "Employer," as used in this chapter, prior to January 1, 1978, shall mean any employing unit which was so defined herein prior to such date.

After December 31, 1977, except as otherwise provided in this chapter, "employer," as used in this chapter shall mean:

(1) Any employing unit which, after December 31, 1977:

a. In any calendar quarter in either the current or preceding calendar year paid, for service in employment, wages of \$1,500 or more; or

b. For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, had in employment at least one individual (irrespective of whether the same individual was in employment in each such day).

(2) Any employing unit which, having become an employer



under this chapter, has not under sections 25-4-130 and 25-4-13 ceased to be an employer subject to this chapter.

(30) For the effective period of its election pursuant to section 25-4-131, any other employing unit which has elected to become fully subject to this chapter.

(4) Any employing unit other than described in subdivision (10) of this subsection (whether or not an employing unit at the time of acquisition) which:

a. Acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit which at the time of such acquisition was an employer subject to this chapter; or

b. Acquired a segregable part of the organization, trade or business of another employing unit which at the time of such acquisition was an employer subject to this chapter; provided, that such segregable part would have been an employer subject to this chapter if such part had constituted its entire organization, trade or business.

(5) Any employing unit which acquires the organization, trade or business, or substantially all of the assets thereof of another employing unit (not an employer subject to this chapter) and which, if the employment record of such employing unit subsequent to such acquisition together with the employment record of the acquired unit prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit an employer subject to this chapter.

(6) Any employing unit not an employer by reason of any other paragraph of this section:

a. For which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is held liable by the federal government for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or

b. Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Federal Unemployment Tax Act, to be an "employer" under this chapter.

(7) Any employing unit for which service in employment as defined in paragraph (a)(2)a of section 25-4-10 is performed after December 31, 1977, or for which service in employment as defined in paragraph (a)(2)b of section 25-4-10 is performed after December 31, 1977, provided, however, that such service is not excluded from the definition of "employment" by any of the provisions of subsection (b) of section 25-4-10.

(8) Any employing unit for which service in employment as defined in subdivision (a)(3) of section 25-4-10 is performed after December 31, 1971.

(9) Any employing unit for which agricultural labor as defined in subdivision (b)(1) of section 25-4-10 of this chapter is performed after December 31, 1977, but only if the provisions of paragraph (a)(4)a of section 25-4-10 are met.

(10) Any employing unit for which domestic service in employment as defined in paragraph (a)(4)b of section 25-4-10 is performed after December 31, 1977.

(11) a. In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under this section other than under subdivision (10) of this subsection (a), the wages paid to or the employment of, an employee performing domestic service after December 31, 1977, shall not be taken into account.

b. In determining whether or not an employing unit for which service other than agricultural labor is also performed is an employer under this section other than under subdivisions (7) and (8) of this subsection (a), the wages paid to or the employment of, an employee performing service in agricultural labor after December 31, 1977, shall not be taken into account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for the purposes of subdivision (1) of this subsection (a).

c. The provisions of paragraphs a and b of this subdivision notwithstanding for the purposes of sections 25-4-51, 25-4-52, 25-4-53 and 25-4-54, any employing unit which is or becomes subject to the provisions of any subdivision of the subsection other than subdivisions (9) or (10) shall, upon becoming subject to subdivisions (9) or (10) or if at the time of becoming subject to any other subdivision is already subject to subdivisions (9) or (10), be a single employing unit.

b. For the purposes of this section, if any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week."

**Section 2.** Section 25-4-10, Code of Alabama 1975, is hereby amended to read:

**§ 25-4-10**

a. Subject to other provisions of this chapter, "employment" means:

(1) Any service performed prior to January 1, 1978, which was employment as defined in this section prior to such date and,

subject to the other provisions of this section, services performed for remuneration after December 31, 1977, including service in interstate commerce, by:

- a. Any officer of a corporation; or
- b. Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or
- c. Any individual other than an individual who is an employee under paragraphs a or b of this subdivision (1) who performs services for remuneration for any person;

1. As an agent-driver or commission-driver engaged in distributing meat products, bakery products, beverages (other than milk) or laundry or dry cleaning services for his principal;

2. As a traveling or city salesman engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors or operators of hotels, restaurants or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of paragraph (1)c of this subsection (a), the term "employment" shall include services described in subparagraphs 1 and 2 above, performed after December 31, 1971, only if:

- (i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;
- (ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and
- (iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are rendered.

(2) Service performed:

(a) After December 31, 1971, but prior to January 1, 1978, by an individual in the employ of this state or any of its instrumentalities or political subdivisions or their instrumentalities (or in the employ of any of the foregoing and one or more other states or their instrumentalities or political subdivisions) for a hospital or institution of higher education located in this state; provided, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c) of that act, and is not excluded from "employment" under subsection (b) of this section; provided further, that such service in the employ of a political subdivision or

its instrumentalities has elected to become an employer subject to this chapter pursuant to section 25-4-131 for all such service in the employ of the political subdivision and its instrumentalities and has not ceased to be an employer subject hereto pursuant to section 25-4-130 or section 25-4-131; and

b. After December 31, 1977, in the employ of this state or any of its instrumentalities or of any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any one of the foregoing and one or more other states or political subdivisions, provided, that such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by section 3306 (c)(7) of that act and is not excluded from "employment" under subsection (b) of this section.

c. For the purposes of this chapter, the term "governmental entity" in reference to this state is defined as the entirety of state government but for the purposes of reporting, accounting or other administrative procedures such entity shall be divided into each department, agency, board, commission and any other separately organized division or instrumentality of this state. The Comptroller of this state shall make such payments to the director as are required by the other provisions of this chapter as they pertain to the various organizational components of the state. The Comptroller is hereby authorized to require of such components such payments as are necessary to discharge his responsibilities and shall enforce such payments under the provisions of subsection (b) of section 25-4-51.

d. The term "governmental entity" in reference to any political subdivision is defined as each county and its instrumentalities and each municipality and its instrumentalities, except that each instrumentality of a political subdivision which is separately incorporated or otherwise removed from the control of the governing body of the political subdivision shall be a separate governmental entity. Instrumentalities organized and operated jointly by any combination of two or more of the aforementioned entities shall be considered as constituting a separate governmental entity. The foregoing notwithstanding, each separate public school system shall constitute a separate governmental entity.

(3) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational or other organization but only if the following conditions are met:

a. The service is excluded from "employment" as defined in the Federal Unemployment Tax Act solely by reason of Section 3306 (c)(8) of that act, and is not excluded from "employment" under subdivisions (8) and (21) of subsection (b) of this section; and

b. The organization had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(4) a. Service performed after December 31, 1977, by an individual in agricultural labor as defined in subdivision (1) of subsection (b) of this section, when:

1. Such service is performed for an employing unit which

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1980, by an alien referred to in subparagraph (2) of this paragraph a, or

(ii) For some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor (not taking into account service in agricultural labor performed before January 1, 1980, by an alien referred to in subparagraph (2) of this paragraph a) 10 or more individuals, regardless of whether they were employed at the same moment of time.

2. For the purposes of this paragraph a such service is not considered to be performed in agricultural labor if performed before January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a) (15)(H) of the Immigration and Nationality Act.

3. For the purposes of this paragraph a any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader.

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of any other person within the meaning of subdivision (1) of this subsection.

4. For the purposes of this subdivision (4) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an

employee of such crew leader under subparagraph 3 of this paragraph a;

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on the behalf of such other person) for the service in agricultural labor performed for such other person.

5. For the purposes of this paragraph a, the term "crew leader" shall mean an individual who -

(i) Furnishes individuals to perform service in agricultural labor for any other persons.

(ii) Pays (either on his own behalf or on behalf of such other person) the individuals so furnished by him for the service in agricultural labor performed by them, and

(iii) Has not entered into a written agreement with the farm operator under which such crew leader is designated as an employee of such farm operator.

b. Domestic service after December 31, 1977, in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

For the purposes of this paragraph b the term "domestic service" includes all service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority as distinguished from service as an employee in the pursuit of an employer's trade, occupation, profession, enterprise or vocation.

(5) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971, (except in Canada or in the case of the Virgin Islands after December 31, 1971, and prior to January 1 of the year following the year in which the U. S. Secretary of labor approves the Unemployment Compensation Law of the Virgin Islands under section 3304 (a) of the Internal Revenue Code of 1954) in the employ of an American employer (other than service which is deemed "employment" under the provisions of subdivisions (8) or (9) of this subsection b or the parallel provisions of another state's law), if:

a. The employer's principal place of business in the United States is located in this state; or

b. The employer has no place of business in the United States, but

1. The employer is an individual who is a resident of this state; or

2. The employer is a corporation which is organized under the laws of this state; or

3. The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

c. None of the criteria of paragraphs a and b of this subdivision a is met but the employer has elected coverage in this state, or the employer having failed to elect coverage in any state, the individual has failed a claim for benefits, based on such service, under the law of this state.

d. An "American employer," for the purposes of this subsection, means a person who is:

1. An individual who is a resident of the United States; or

2. A partnership, if two-thirds or more of the partners are residents of the United States; or

3. A trust, if all of the trustees are residents of the United States; or

4. A corporation organized under the laws of the United States or of any state.

e. For the purposes of this subdivision 5, the term "United States" includes the states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and in the case of the Virgin Islands after December 31 of the year in which the U. S. secretary of labor approves the Virgin Islands' Unemployment Insurance Law for the first time.

(6) Notwithstanding subdivision (8) of this subsection (a), all service performed by an officer or a member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state.

(7) Notwithstanding any other provisions of this section, service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under this chapter.

(8) Subject to the other provisions of this section, the term "employment" shall include an employee's entire service, performed within or both within and without this state if:

a. The service is localized in this state; or

b. The service is not localized in any state but some of the service is performed in this state and the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled is in this state, or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the employee's residence is in this state.

c. Service shall be deemed to be localized within a state if the service is performed entirely within such state, or the service is performed both within and without such state, but the service performed without such state is incidental to the employee's service within the state; for example, service which is temporary or transitory in nature or consists of isolated transactions.

d. The service shall be deemed to be localized in this state wherever such service is performed within the United States, as defined in paragraph (5) e of subsection (a) of this section, if such service is not covered under the unemployment compensation law of any other state, as defined in Section 25-4-14, the Virgin Islands or Canada and the place from which such service is directed or controlled is in this state.

(9) Services not covered under subdivision (8) of this subsection (a) and performed entirely without the state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the employee performing such service is a resident of this state and the director approves the election of the employing unit for whom such services are performed. The entire service of such employee shall be deemed to be "employment" subject to this chapter.

(10) The term "employment" includes a person's entire services if such service is deemed performed in this state by virtue of reciprocal agreements pursuant to the provisions of section 25-4-120 and does not include any service which by virtue of such agreement is deemed performed in another state.

(b) The Term "employment" shall not include:

(1) Except as provided in paragraph (4)a of subsection (a) of this section, service performed by an individual in agricultural labor. For purposes of this chapter, the term "agricultural labor" means any service performed prior to January 1, 1978, which was



agricultural labor as defined in this section prior to such date, as remunerated service performed after December 31, 1977, if such service was performed:

a. On a farm, in the employ of any employing unit, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, bees, poultry and fur-bearing animals and wildlife.

b. In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

c. In connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15 (g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, Sec. 3; 12 U.S.C. 1141 j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

d. In the employ of the operator of a farm, a group of operators of farms (or a cooperative organization of which such operators are members) in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodities, but only if such operator or group of operators (or a cooperative organization of which such operators are members) produced more than one-half of the commodity with respect to which such service is performed; provided, however, the provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

e. On a farm operated for profit if such service is not in the course of the employer's trade or business.

As used in this subdivision, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(2) Prior to January 1, 1978, domestic services in a private

home, local college club, or local chapter of a college fraternity or sorority—and after December 31, 1977, if the provisions of paragraph (4)b of subsection (a) of this section are not met.

(3) Casual labor not in the usual course of the employer's trade or business performed after December 31, 1971, in any calendar quarter by an individual, unless the cash remuneration paid for such service is \$50.00 or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this subdivision, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

a. On each of some twenty-four days during such quarter such individual performs such service for some portion of the day; or

b. Such individual was regularly employed (as determined under paragraph a) by such employing unit in the performance of such service during the preceding calendar quarter.

(4) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 21 in the employ of his father or mother.

(5) Prior to January 1, 1978, except to the extent set forth in subdivision (2) of subsection (a) of this section, service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions.

(6) Prior to January 1, 1978, except as provided in subdivision (2) of subsection (a) of this section, service performed in the employ of any other state or any political subdivisions thereof, or any instrumentality of any one or more of the foregoing which is wholly owned by one or more such states or political subdivisions, and any service performed in the employ of any instrumentality of any one or more other states or their political subdivisions to the extent that the instrumentality is, with respect to such service, immune, under the Constitution of the United States from the tax imposed by Section 3301 of the Federal Internal Revenue Code.

(7) Service performed in the employ of the United States government or of any instrumentality wholly owned by the United States, except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under this chapter, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all

other employers and employing units; provided, however, if this state should not be certified by the secretary of labor under Section 3304 (c) of the federal Internal Revenue Code for any year, then the payment required of such instrumentality with respect to such year shall be deemed to have been erroneously collected within the meaning of Article 3 of this chapter and shall be refunded by the Director from the fund in accordance with the provisions of section 25-4-137.

(8) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in the employ of a corporation, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation.

(9) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the Railroad Unemployment Insurance Act of congress (52 Stat. 1094, as amended) and services with respect to which employment compensation is payable under any other unemployment compensaiton system established by an Act of congress; provided that the Director is hereby authorized and directed to enter inot agreements with the proper agencies under such act or acts of congress, which agreements shall become effective 10 days after publication thereof in the manner provided in seciton 25-4-111 for general rules to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter acquired rights to unemployment compensation under such act or acts of congress, or who have, after acquiring potential rights to unemployment compensation under such act or acts of congress, acquired rights to benefits under this chapter.

(10) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(11) Service performed, in the employ of a school, college or university, if such service is performed:

a. By a student who is enrolled and is regularly attending classes at such school, college or university; or

b. By the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service, that:

(1) The employment of such spouse to perform such service is

provided under a program to provide financial assistance to such student by such school, college or university; and

(2) Such employment will not be covered by any program of unemployment insurance.

(12) Service performed by an individual under the age of 22, who is enrolled at a non-profit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except this paragraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(13) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital as defined in subsection (e) of this section, or service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state laws, and service performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(14) Service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution.

(15) Except as provided in subdivisions (2) and (3) of subsection (a) of this section, any employment or service which is excluded by the express statutory provisions of Section 3306 of the federal Internal Revenue Code as amended.

(16) Service performed by an officer or member of the crew of a vessel which is not an American vessel. The term "American vessel" means any vessel documented or numbered under the law of the United States, and includes any vessel which is neither documented nor numbered under the laws of the United States nor documented under the laws of any foreign country, if its crew is employed solely by one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(17) Service performed by an individual in (or as an officer or member of the crew of a vessel while it is engaged in) the catching, taking, harvesting, cultivating or farming of any kind of fish, shellfish, crustacea, sponges, seaweeds or other aquatic forms of

animal and vegetable life (including service performed by any such individual as an ordinary incident to any such activity), except:

- a. Service performed in connection with the catching or taking of salmon or halibut, for commercial purposes; and
- b. Service performed on or in connection with a vessel of more than 10 net tons (determined in the manner provided for determining the register tonnage of merchant vessels under the laws of the United States).

(18) Service performed in the employ of a foreign government (including service as a consular or other officer or employee or a non-diplomatic representative).

(19) Service performed in the employ of an instrumentality wholly owned by a foreign government if:

- a. The service is of a character similar to that performed in foreign countries by employees of the United States government or of an instrumentality thereof; and
- b. The director finds that the United States secretary of state has certified to the United States secretary of the treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in the foreign country by employees of the United States government and of instrumentalities thereof.

(20) Except to the extent set forth in subdivision (3) of subsection (a) of this section, service performed in any calendar quarter in the employ of any organization exempt from income tax under Section 501 (a) of the federal Internal Revenue Code (other than organizations described in Section 401 (a) or under Section 521 of such Code, if the remuneration for such service is less than \$50.00.

(21) Services performed for any governmental entity, institution or organization described in subdivisions (2) and (3) of subsection (a) of this section:

- a. In the employ of
  - 1. A church or convention or association of churches; or
  - 2. An organization that is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches; or
- b. By a duly ordained, commissioned or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or
- c. Except as provided in subdivision (7) of subsection (a) of section 25-4-8:

1. Prior to January 1, 1978, in the employ of a school which is not an institution of higher education;

2. After December 31, 1977, in the employ of a governmental entity referred to in paragraph (2) b of subsection (a) of this section, if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary of this state or any of its political subdivisions;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency (this exclusion does not apply to permanent employees whose usual responsibilities include emergency situations);

(v) In a position which, under or pursuant to the laws of this state, is designated as a major nontenured policymaking or advisory position or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week; or

d. In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market by an individual receiving such rehabilitation or remunerative work; or

e. As part of unemployment work relief or work training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof, by an individual receiving such work relief or work training except this exception shall not apply to services performed after January 1, 1978, in programs for which the Comprehensive Employment and Training Act of 1973, as amended, requires unemployment compensation coverage; or

f. For a hospital in a state prison or other state correctional institution prior to January 1, 1978, by an inmate of the prison or correctional institution and, after December 31, 1977, by an inmate of a custodial or penal institution.

(c) "Institution of higher education," for the purposes of this chapter, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, or a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

(d) For the purposes of this chapter the term "educational institution" means an educational institution (except an institution of higher education as defined in subsection (c) of this section) in which:

(1) Participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor(s) or teacher(s).

(2) It is approved, licenses or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school.

(3) The courses of study or training which it offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation, as opposed to study or training in the social graces or skills or whose primary purpose is to provide baby sitting or day care services although some learning activities may be included.

In any particular case, the question of whether or not an institution is an educational institution (other than an institution of higher education) within the meaning of the criteria described above will depend on what that particular institution actually does.

(e) "Hospital" means an institution which has been licensed, certified or approved by the state board of health or the state board of mental health as a hospital or a similar institution operated by the state or any of its political subdivisions or by an instrumentality of either of the foregoing.

(f) If the services performed during one-half or more of any pay period by an employee for the employing unit employing him constitute employment, all of the services of such employee for such period shall be deemed to be employment, but if the services performed during more than one-half of any such pay period by an employee for the employing unit employing him do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection the term "pay period" means a period (of not more than 31

consecutive days) for which a payment or remuneration is ordinarily made to the employee by the employing unity employing him."

**Section 3.** Section 25-4-16, Code of Alabama 1975, is hereby amended to read:

§ 25-4-16.

(a) Prior to January 1, 1978, "wages," as used in this chapter, shall mean such remuneration as was defined in this section prior to such date.

(b) On and after January 1, 1978, "Wages," as used in this chapter, shall mean every form of remuneration paid or received for personal services, including the cash value of any remuneration paid in any medium other than cash. The reasonable cash value of remuneration paid in any medium other than cash shall be determined in accordance with rules prescribed by the director; provided, however, the term "wages" shall not include:

(1) That part of remuneration, which after remuneration equal to \$6,600.00 (or such greater amount as may be or become subject to a tax under a federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund) has been paid in a calendar year to an individual by an employer or his predecessor employer or by a combination of both the employer and his predecessor employer with respect to employment during any calendar year, is paid to such individual by such employer during such calendar year except with respect to subdivisions (1), (2) and (4) of subsection (a) of Section 25-4-54, subsection (c) of Section 25-4-54 and Section 25-4-71 thru 25-4-75. For the purpose of this subdivision (1), the term "employment" shall include service constituting employment under any unemployment compensation law of another state or of this state.

(2) The amount of any payments (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) made to, or on behalf of an employee or any of his dependents under a plan or system established by an employer which makes provisions for his employees generally (or for his employees generally and their dependents) or for a class or classes of his employees (or for a class or classes of his employees and their dependents), on account of:

- a. Retirement; or
- b. Sickness or accident disability; or
- c. Medical or hospitalization expenses in connection with sickness or accident disability; or
- d. Death.



(3) Any payment made to an employee (including any amount paid by an employer for insurance or annuities, or into a fund to provide for any such payment) on account of retirement.

(4) Any payment made to, or on behalf of any employee or his beneficiary:

a. From or to a trust which meets the requirements of Section 401 of the federal Internal Revenue Code and which is exempt from tax under Section 501 (a) of the federal Internal Revenue Code at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust, or

b. Under or to an annuity plan which, at the time of such payment, meets the requirements of Section 401 (a) (3), (4), (5) and (6) of the federal Internal Revenue Code.

(5) The payment by an employer (without deduction from the remuneration of the employee) of the tax imposed upon an employee under Article 3 of this chapter, or of the tax imposed upon an employee by Section 3101 of the federal Internal Revenue Code, as amended.

(6) Remuneration paid in any medium other than cash to an employee for agricultural or domestic services or for services not in the course of the employer's trade or business.

(7) Any payment (other than vacation or sick pay) made to an employee after the month in which he attains the age of 65, if he did not work for the employer in the period for which such payment is made.

(8) Dismissal payments which the employer is not legally required to make.

(9) Payments made into a fund by an employer to provide for supplemental unemployment benefits under a plan established to provide such benefits to employees in general, or a group or class of employees, of such employer."

**Section 4.** Section 25-4-51, Code of Alabama 1975, is here by amended to read:

**§ 25-4-51.**

(a) Contributions. - Except as hereinafter provided and subject to the provisions of section 25-4-54, every employer shall pay contributions, or payments in lieu of contributions, equal to the percentages of wages payable or paid as hereinafter set out, with respect to employment by him.

(1) With respect to employment during calendar years prior to January 1, 1972, and calendar years after December 31, 1975, the rate shall be 2.70 percent of such wages payable.

(2) With respect to employment after December 31, 1971, and prior to January 1, 1976, except as hereinafter provided, every employer who has not been liable to the provisions of this chapter for a sufficient length of time to have his rate determined under the experience rating provisions of section 25-4-54 shall pay contributions at the rate of 1.50 percent of such wages paid by him with respect to such employment.

(3) With respect to employment after December 31, 1971, any nonprofit organization which, pursuant to the provisions of subdivision (8) of subsection (a) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, shall pay contributions under the provisions of subdivisions (1) and (2) of this subsection (a) of this section and section 25-4-54, unless it elects in accordance with paragraph a of this subdivision to pay to the director for the fund an amount equal to the amount of regular benefits and one half of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin during the effective period of such election.

a. Any nonprofit organization which becomes subject to this chapter on January 1, 1972, by virtue of its employment during calendar year 1971, may elect to become liable for payments in lieu of contributions for a period of not less than nine consecutive calendar quarters beginning with January 1, 1972, provided it files with the director a written notice of its election within the 30-day period immediately following such date. Any nonprofit organization which becomes subject to this chapter by virtue of its employment subsequent to calendar year 1971, may elect to become liable for payments in lieu of contributions for a period of not less than six consecutive calendar quarters by filing a written notice of its election with the director not later than 30 days immediately following the date on which the conditions rendering such organization subject were fulfilled.

b. Any nonprofit organization which makes an election in accordance with paragraph a of this subdivision will continue to be liable for payments in lieu of contributions until it files with the director a written notice terminating its election. Any such termination shall be effective at the end of a calendar year. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

c. Any nonprofit organization which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1972, may change to a reimbursable basis by filing with the director not later than the first day of December preceding the beginning of any calendar year

a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization during that and the next calendar year and may be terminated only at the end of a calendar year.

d. The director may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1971.

e. The director shall notify each nonprofit organization of any determination which he makes of its status as an employer and of the effective date of any election which it makes and of any termination of such election and of benefits paid in accordance with such regulations as he may prescribe. Such notice and determination shall be subject to the provisions for review and finality as set out in subdivision (4) of subsection (c) of section 25-4-54.

f. Any nonprofit organization which elects to make payments in lieu of contributions shall pay to the director for the fund such amounts and in such manner and at such time as is set out in subsection (b) of this section.

g. When two or more nonprofit organizations, as defined in subdivision (3) of subsection (a) of section 25-4-10, merge or one nonprofit organization is acquired by another such organization, the method of payment for the surviving entity shall be that method elected by such surviving entity under the provisions of this section and in effect at the time of the merger or acquisition. Such method shall remain in effect until such time as it is changed as provided in paragraphs b and c of this subdivision.

(4) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any hospital or institution of higher education operated by this state or any of its instrumentalities which, pursuant to the provisions of subdivision (7) of section 25-4-8, is or becomes subject to this chapter after December 31, 1971, and prior to January 1, 1978, shall pay to the director for the fund an amount equal to the amount of regular benefits and one-half of the extended benefits paid, that is attributable to service in the employ of such employer to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was prescribed in subdivision (2) of subsection (b) of this section prior to January 1, 1978. For the purpose of this subdivision, the governing body of any state hospital or institution of higher education may, with the approval of the director, determine the number of individual accounts for the institutions under its authority.

b. With respect to employment after December 31, 1977, any

governmental entity as defined in paragraph 25-4-10 (a) (2)b, electing or required to make payments in lieu of contributions, shall, pursuant to the provisions of subdivision (2) of subsection (b) of this section, pay to the director for the fund an amount which,

1. Prior to January 1, 1979, is equal to the amount of regular benefits and one-half of the extended benefits paid, and

2. After December 31, 1978, is equal to the amount of regular and extended benefits paid, and that is attributable to services after December 31, 1977, in the employ of such entity to individuals for weeks of unemployment which begin on or after January 1, 1979.

(5) a. With respect to employment after December 31, 1971, and prior to January 1, 1978, any political subdivision of this state (or any tow or more political subdivisions) which elects, under the provisions of section 25-4-131, to become subject to this chapter, shall pay to the director for the fund an amount equal to the amount of regular benefits and prior to January 1, 1979, one-half, and thereafter all, of the extended benefits paid, that is attributable to service in the employ of such employer, to individuals for weeks of unemployment which begin after December 31, 1971, at the rate and in such manner and at such time as was set out in subdivision (2) of subsection (b) of this section prior to January 1, 1978.

b. With respect to employment after December 31, 1977, any governmental entity, other than the state, defined in 25-4-10, (a) (2)b, shall pay contributions as provided in subdivision (2) of this section and section 25-4-54, unless the governing body of such entity elects under the provisions of subparagraph 1 of this paragraph b to pay to the director for the fund an amount equal to the amount as is prescribed in subdivision (4) of this section, and at the rate and in such manner and at such time as set out in subdivision (2) of subsection (b) of this section.

1. Any governmental entity, other than the state, as defined in 25-4-10 (a) (2)b, which becomes subject to this chapter on January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than eight consecutive calendar quarters beginning with January 1, 1978, provided it files with the director a written notice of its election, officially adopted by the governing body of such entity, within the 30-day period immediately following such date. Any such entity which becomes subject to this chapter subsequent to January 1, 1978, may elect to become liable for payments in lieu of contributions for a period of not less than six consecutive quarters by filing with the director a written notice by the governing body of such entity of its election not later than 30 days immediately following the date on which it becomes such an entity. Such election shall remain in effect until the governing body files with the director a written notice

terminating its election. Any such termination shall be effective at the end of the calendar year during which such notice is made and its acceptance by the director occurs. Said notice shall be filed not later than the first day of December preceding the effective date of such termination.

2. Any governmental entity which has been paying contributions under this chapter for a period of at least one calendar year subsequent to January 1, 1978, may, effective as of the beginning of any calendar year thereafter, change to a reimbursing basis by filing with the director not later than the first day of December preceding the beginning of such calendar year a written notice by the governing body thereof of its election to become liable for payments in lieu of contributions. Such election shall not be terminable by the governmental entity during that and the next calendar year and may be terminated only at the end of a calendar year.

3. The written notice of election or termination of election of method of payment shall be accompanied by a certified copy of the minutes of the meeting of the appropriate governing body during which the action to elect or terminate was taken.

(b) Payments in lieu of contributions. - Payments in lieu of contributions shall be made in accordance with the provisions of subdivisions (1) and (2) of this subsection.

(1) Each non-profit organization or group of such organizations which has elected to make payments in lieu of contributions shall at the end of each calendar quarter, or at the end of any other period as the director shall prescribe, pay to the director an amount equal to the full amount of regular benefits plus one-half of the extended benefits paid during such quarter or other prescribed period that is attributable to services in the employ of such organization. Such payments shall be made within 20 calendar days after notice of the amount due is mailed by the director.

(2) Each governmental entity to make payments in lieu of contributions shall make such payments to the director in an amount representing one of the following:

a. Any entity becoming subject to this chapter effective January 1, 1972, shall pay:

1. For the calendar quarter beginning July 1, 1972, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1973, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (4)b of subsection (a) of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll

(without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1971, said payments to be made not later than the tenth day of the first month of each quarter, and

2. For each calendar quarter during fiscal years beginning on and after October 1, 1973, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding June 30, as the director shall determine. Such determination shall be based each year on the average quarterly benefit cost during the four calendar quarter period ending on the immediately preceding June 30, which is attributable to service in the employ of such entity. Provided, however, that for each calendar quarter beginning on or after October 1, 1978, the rate shall be determined on the basis of its average quarterly payroll and benefit costs for the four calendar quarter period ending on the immediately preceding December 31.

b. Any entity becoming subject effective January 1, 1978, shall pay:

1. For the calendar quarter beginning July 1, 1978, and each succeeding calendar quarter thereafter through and including the quarter ending September 30, 1979, such amount as such employer may estimate to be equal to the amount determined pursuant to paragraph (a)(4)b of this section but the amount shall not be less than 0.25 percent of its average quarterly payroll (without regard to the limitations specified in section 25-4-16) paid to all employees covered by this chapter in its employ during the calendar year 1977, said payments to be made not later than the tenth day of the first month of each quarter, and

2. In each calendar quarter during fiscal years beginning on and after October 1, 1979, such percentage of its average quarterly covered payroll for the four-quarter period ending on the immediately preceding December 31 as the director shall determine. Such determinations shall be based each year on the average quarterly benefit cost during the four calendar quarter period ending on the immediately preceding December 31 which is attributable to service in the employ of such entity including benefits paid under the provisions of paragraph (b)(2)c of Section 25-4-74.

3. The director shall notify each governmental entity of its rate for the next fiscal year not later than the first day of April preceding such fiscal year.

c. Any governmental entity becoming subject to this chapter, and/or electing to make payments under this subsection, subsequent to January 1, 1978, will make the advance payment as provided in paragraph b of subdivision (2) of this subsection (b) in

such amount as is therein provided within the first 10 days of the first month of the second quarter following the quarter during which the coverage and/or election becomes effective and during the first 10 days of each calendar quarter thereafter until the first day of October of the calendar year next following the calendar year during which such election became effective. Thereafter, the rate of such payment shall be computed as provided in subparagraph b 2 of this subdivision.

d. For any governmental entity which did not pay wages throughout the periods specified in paragraphs a and b, respectively, of this subdivision (2), the average quarterly covered payroll shall be as determined by the director based on that portion of such periods during which wages were paid.

(3) At the end of each one-year period for which a rate for payments in lieu of contributions has been set, the director may modify the quarterly percentage of payroll thereafter payable by the governmental entity in order to minimize excess or insufficient payments.

(4) At the end of each one-year period for which a rate for payments in lieu of contributions has been set, the director shall determine whether the total of payments for such year made by any employer is less than, or in excess of, the total amount of regular benefits plus such amount of extended benefits, as is required by this section to be charged to such employer, paid to individuals during such year based on wages attributable to service in the employ of such employer. Each such employer whose total payments for such year are less than the amount so determined shall be liable for payment of the unpaid balance to the fund in accordance with this subsection. If the total payments are in excess of the amount so determined for the specified one-year period, all or a part of the excess may, at the discretion of the director, be refunded from the fund or retained in the fund as part of the payments which may be required for the next such year. Any payments due to be made under this subdivision (4) shall be made not later than 10 days after the date on which the director shall mail to the employer notice of the amount.

(5) Payments made by any organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such organizations.

(6) Any other provisions of law notwithstanding, payments in lieu of contributions as provided by this subsection shall be:

a. Subject to the same penalties, collection and enforcement proceedings and provisions for hearing and review, extensions, refunds and protections that pursuant to sections 25-4-132 through

25-4-138 and 25-4-145 apply to contributions, and

b. 1. Should any amounts due from any component or instrumentality of this state remain due and unpaid for a period of 90 days after the due date, the state comptroller shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such component or instrumentality by any other department, agency or official of the state or against any bank account established in any bank whether or not in this state. Such department, agency or official shall deduct such amounts as are certified by the comptroller from any accounts or deposits or any funds due such delinquent component or instrumentality without regard to any prior claim and promptly forward such amounts to the comptroller.

2. Should any amounts due from any governmental entity of any county, municipality or any instrumentality thereof, as defined in paragraph (a)(2)b of Section 25-4-10, remain due and unpaid for a period of 120 days after the due date, the director shall take such action as is necessary to collect such amounts and is hereby authorized and required to levy against any funds due such governmental entity by the state treasurer, comptroller, commissioner of revenue or any other official or agency of this state or against any bank account established in any bank. Such officials, agency or bank shall deduct such amounts as are certified by the director from any accounts or deposits with or any funds due such delinquent governmental entity without regard to any prior claim and promptly forward such amounts to the director for the fund. Provided, however, the director shall notify the delinquent entity of his intent to tile such levy by certified mail at least ten days prior to filing of a levy on any funds due the entity by any state official or agency.

(7) Surety.—Any non-profit organization which elects to become liable for payments in lieu of contributions shall, in addition to making such payments, be required within 30 days after the date the director mails notice of his approval of its election, to execute and file with the director a surety bond, or a cash deposit in lieu thereof, as approved by the director. For the purpose of this subdivision, a surety bond is a bond of surety issued by an organization licensed and authorized to issue such bond in this state. The amount of the surety bond or cash deposit required by this subdivision (7) shall be an amount as determined by the director but not more than 2.7 percent of the organization's wages as defined in this chapter for the four calendar quarters immediately preceding the effective date of the election, or the renewal date in case of a bond, or the biennial anniversary in the case of a cash deposit, whichever date shall be most recent and applicable. For any such organization which did not pay wages



throughout each of four such calendar quarters the amount of the bond or deposit shall be as determined by the director.

a. Surety bond—Any surety bond deposited under this subdivision (7) shall be in force for a period of not less than two full calendar years and shall be renewed not less frequently than at two-year intervals as long as the organization continues to be liable for payments in lieu of contributions. The director shall require adjustments to be made in a previously filed bond as he deems appropriate. If the bond is to be increased, the adjusted bond shall be filed by the organization within 30 days of the date notice of such adjustment was mailed or otherwise delivered to it. Failure of any organization covered by such bond to pay the full amount of payments in lieu of contributions when due, together with any applicable interest and penalties as provided by this chapter, shall render the surety liable on said bond to the extent of the bond, as though the surety was such organization.

b. Deposit of money—Any deposit of money in accordance with this subdivision (7) shall be retained by the director in an escrow account until liability under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The director may deduct from the money deposited under this subdivision (7) by any organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalty. The director shall require the organization within 30 days following any deduction from a money deposit under the provisions of this subdivision (7) to deposit sufficient additional monies to make whole the organization's deposit at the prior level. The director may, at any time, review the adequacy of the deposit made by any organization. If as a result of such review, he determines that an adjustment is necessary, he shall require the organization to make an additional deposit within 30 days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary whichever action is appropriate.

c. If any organization subject to the provisions of this section fails to file a surety bond or make a cash deposit or to file a surety bond in an increased amount or to increase or make whole the amount of a previously made cash deposit, or fails to pay before the delinquency date any payments due together with any accumulated interest and penalty as provided by this chapter, the director may terminate such organization's election to make payments in lieu of contributions effective as of the end of any calendar quarter and such termination shall continue for not less than two consecutive calendar years; provided, that the director may extend for good cause the posting of a cash deposit, the filing of a surety bond or the extension of an adjustment period by not more than 30 days.

(8) Allocation of benefit cost.—If benefits paid to an individual are based on wages paid by two or more employers, the amount of benefits payable by an organization required to or electing to make payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid by such employer to the individual and used for the payment of benefits bears to the total base period wages paid to the individual by all his base period employers and used for payment of benefits.

The other provisions of this subsection notwithstanding no such employer shall be required to reimburse the fund for any portion of the benefits paid to any individual whose benefits which attributable to public service wages funded under the Comprehensive Employment and Training Act of 1973, as amended, after December 31, 1975, to the extent that such benefits are reimbursed to the fund by the federal government under the provisions of Section 220 of the Emergency Jobs Program Extension Act of 1976 (PL 94-444).

(9) Group accounts.—Two or more employers that have elected to make payments in lieu of contributions in accordance with the provisions of this section may file a joint application to the director for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ os such organizations. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this subsection. Upon his approval of the application, the director shall establish a group account for such employers effective as of the beginning of the calendar quarter next following the quartr in which he received such application, and shall notify the group's representative of the effective date of the account. Such group account shall remain in effect for not less than eight calendar quarters and thereafter until terminated at the discretion of the director or upon applicaiton by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for services in employment by such member in such quarter bears to the total wages paid during such quarter for service performed in the employ of all members of the group. The director shall prescribe such regulations as he deems necessary with respect to applications for establishemtn, maintenance and termination of group accounts that are authorized by this subdivision (9), for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of

the amounts that are payable under this subdivision by members of a group and the time and manner of such payments.

(10) Notwithstanding any other provisions of this chapter, any employer who was liable for payments in lieu of contributions for the period immediately preceding the effective date of termination of its coverage pursuant to section 25-4-130 shall nevertheless continue to be liable to pay to the director for the fund the amount of regular benefits and one-half of the extended benefits paid that is attributable to service in the employ of such employer prior to the effective date of such termination, to individuals for weeks of unemployment which begin on or after such effective date. Such payments to the director shall be made at such times and in such manner as the director shall prescribe and the director shall continue to require payments in lieu of contributions and surety in such amounts and for such period as he may deem necessary to insure restoration to the fund of the amount of such regular and extended benefits."

**Section 5.** Section 25-4-54, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-54.

(a) Determination of contribution rates.

(1) For the 12-month period beginning on January 1, of each year, any employer whose employment record has been chargeable with benefit wages throughout at least the fiscal year, as defined in section 25-4-4, immediately preceding such January 1, shall have his rate determined by the unemployment compensaiton fund's maximum liability for benefits to his employees who have been paid benefits, modified by the state experience as of the most recent December 31, as to average duration of benefit payments as provided in this section. The employment record of an organization which has been making payments in lieu of contributions but which elects to change to payment of contributions shall be deemed to have been chargeable with benefit wages throughout the period with respect to which it was making payments in lieu of contributions and its benefit wages and payrolls for such period shall be used in computing its benefit wage percentage pursuant to subsection (d) of this section.

(2) If the director finds that an employer's business is closed solely because of the entrance of one or more of the owners, officers, partners or the major stockholders into the armed forces of the United States, or any of its allies, after July 1, 1950, such employer's experience rating account shall not be terminated, and, if the business is resumed within two years after the discharge or release from activ duty in the armed forces of such person or persons, the employer's experience shall be deemed to have been continuous

throughout such period. The benefit wage percentage of any such employer for the fiscal year in which he resumes business and the three fiscal years immediately following shall be a percentage equal to the total of his benefit wages (including any benefit wages resulting from the payment of benefits to any individual during the period the employer was in the armed forces, based upon wages paid by him prior to his entrance into such forces) for the three most recent fiscal years divided by that part of his total payroll, with respect to which contributions have been paid for the three most recent fiscal years during the whole of which, respectively, such employer has been in business. This provision does not authorize cash refunds. Any adjustments required hereunder shall be only by credit certificates.

(b) Determination of employee benefit wages. — The employee's benefit wages shall be determined as follows:

(1) When, for any benefit year an employee is paid benefits in a total amount equal to or exceeding the amount of benefits payable to him for three weeks of total unemployment, his wages during his base period shall be employee's benefit wages.

(2) Except that wages paid to an employee during his base period for part time employment by an employer who continues to give the employee employment to the same extent while he is receiving benefits as he did during his base period shall not be determined to be employee's benefit wages. The employer shall establish the continuation of work to the satisfaction of the director by submitting such information as the director may require within four days, excluding Saturdays, Sundays and holidays, after the date of notification or mailing of notice by the director that the employee has first filed a claim for benefits.

(3) As to any employee who is a "maritime worker," benefit wages of such employee during a base period as determined under subdivision (b)(1) of this section, exclusive of any benefit wages based on wages in excess of the amount set forth in subdivision (1) of section 25-4-16 paid to such employee during such base period by any one employer, shall be multiplied by a fraction, the numerator of which is his average quarterly earnings (as defined in subsection (c) of section 25-4-76) in his base period and the denominator of which is his highest earnings of any quarter in his base period. The result shall be employee's benefit wages of such "maritime worker."

(4) When, in the determination of an employee's benefit wages, wages have been included once in any employee's benefit wages for one benefit year or in any employee's wages for one base period, such wages shall not thereafter be included again in his benefit wages for any other benefit year or in his wages for any other base period respectively.

(5) In computing an employee's benefit wages, no wages in excess of the amount defined as "wages" in section 25-4-16 paid to him in his base period by any one employer, shall be deemed benefit wages. It is the intent of this provision that no one employer be charged with benefit wages in excess of such amount defined in section 25-4-16 because of the receipt of benefits in a benefit year by one of his workers or former workers.

(c) Determination of employer benefit wages.

(1) An employer's benefit wages for each and every fiscal year shall be the total of the benefit wages received from him by all of his employees or former employees which became employee's benefit wages in such fiscal year.

(2) The director shall analyze the benefit payments in, and the employee and employer benefit wages for, each fiscal year and determine each employer's benefit wages for each fiscal year.

(3) Notwithstanding any inconsistent provisions of this chapter, if after the last day of any claimant's benefit year but within the 60 days next following thereafter or within 60 days next following notice to the employer of benefit wage charges made as a consequence of such claimant's receipt of benefits, whichever is the later, an employer for whom benefit wage charges were made as a consequence of such claimant's receipt of benefits files a written notice in such manner as the director shall prescribe stating that he had reemployed such claimant within the claimant's benefit year, and the director finds that such employee received in benefits a total amount aggregating not more than 25 percent of the maximum benefit payments to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 75 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or, if the director finds that such employee received in benefits an amount aggregating more than 25 percent but not more than 50 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 50 percent of the benefit wages previously charged against him relating to such claimant's previous employment; or, if the director finds that such employee received in benefits a total amount aggregating more than 50 percent but not more than 75 percent of the maximum benefits to which he was entitled within such benefit year, because of such reemployment, the employer's benefit wage record shall be credited with 25 percent of the benefit wages previously charged against him relating to such claimant's previous employment; provided, however, that such credits shall be made for the fiscal year and the calendar quarter in which the

finding is made by the director and no attempt shall be made to relate such credits to the period in which the rehiring occurred. For the purpose of this subdivision (3), "reemployment" shall mean performing services for remuneration.

(4) The director shall, after the close of each calendar quarter, furnish each employer with a statement of the wages of his workers, or former workers, which became his benefit wages in that calendar quarter, together with the names of such workers, or former workers, and such statement, in the absence of an application for a revision thereof within 90 days of the mailing of such statement to the employer's last known address, shall be conclusive and final upon the employer for all purposes and in all proceedings whatsoever. Such application for revision shall be in the form and manner prescribed by regulation of the director. Upon receipt of, within the time allowed, an application for revision of such statement, the director shall allow such application in whole or in part, or shall deny such application and shall serve notice upon the employer of such decision. Such decision of the director shall be final and conclusive on the employer at the expiration of 30 days from the date of service of such notice, unless the employer shall within the said 30-day period file with the director a written protest and a petition for hearing, specifying his objections thereto. Upon receipt of such petition the director shall fix a time and place for a hearing and shall notify the employer thereof. At any hearing held as herein provided, the decision of the director shall be prima facie correct, and the burden shall be upon the protesting employer to prove it is incorrect. No employer shall have the right to object to the benefit wages with respect to any worker as shown on such statement, unless he shall first show that such benefit wages arose as a result of benefits paid to such worker in accordance with a determination, or a redetermination, to which such employer was a party entitled to notice thereof, as provided by article 5 of this chapter, and shall further show that he was not notified of such determination or redetermination in accordance with the requirements of said article 5 of this chapter. Nothing herein contained shall affect the right of any employer at such hearing to object to such statement of benefit wages on the ground that it is incorrect by reason of a clerical error made by the director or any of his employees. The employer shall be promptly notified by mail of the director's decision. Such decision shall be final and conclusive unless an appeal is taken therefrom in the manner and within the time prescribed in subsection (h) of this section.

(5) Nothing contained in subdivision (4) of this subsection (c) shall be construed as limiting or affecting in any manner the right and authority of the director to remove benefit wage charges from any employer's account upon discovering or being aware of any

such employer's workers or former workers having drawn benefits by reason of false representations of their earnings while filing claims for benefits.

(d) Determination of employer benefit wage percentage. — The benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a)(1) of this section and has been chargeable with benefit wages throughout the three most recent preceding fiscal years shall be a percentage obtained by dividing the total of his benefit wages for such period by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31, next following such period, and the benefit wage percentage of each employer who qualifies for a rate determination under subdivision (a)(1) of this section, but who has not been subject to this chapter for a period of time sufficient to have been chargeable with benefit wages throughout the three most recent preceding fiscal year, shall be a percentage obtained by dividing the total of his benefit wages for the period throughout which he has been chargeable, such period to be not less than the most recent preceding fiscal year, by that part of his total taxable payroll for the same period with respect to which contributions have been paid on or before October 31 next following such period. The percentage thus derived shall be used in determining each employer's contribution rate as prescribed in subsection (a) of this section for the next calendar year.

(e) Determination of state experience factor. — From the total amount of benefits paid from the unemployment compensation trust fund during each fiscal year there shall be subtracted all amounts credited to the fund during each such fiscal year other than employer's and employee's contributions and money credited to this state's account in the unemployment compensation trust fund pursuant to section 903 of the Social Security Act, as amended, and the remainder shall be termed the "amount required for the fund" for each such fiscal year. The "state experience factor" for each calendar year shall be a percentage determined by adding to the percentage derived by dividing the total of the amounts required for the fund for the three most recent fiscal years by the statewide total of benefit wages of all employers for the three most recent fiscal years, a factor of an additional 5 percentage points, and by adjusting to the next highest multiple of one percent. The state experience factor shall be determined annually prior to December 15 of the calendar year for which the determination is made.

(f) Notice of contribution rate, ect.; maximum rate. — The contribution rates for each employer, as provided in subsection (a) of this section, shall be determined by the director and the director

shall notify each employer of the state experience factor, his benefit wage percentage, and his contribution rate within 30 days after the effective date of such rate. Except as provided hereinafter and in subdivision (4) of subsection (g) of this section, such employer contribution rate shall be determined from the first 13 columns of the following table and shall be the rate appearing at the bottom of the lowest numbered column in which there appears, on the same horizontal line in which is found in the column headed "state experience factor," the state experience factor for the then calendar year, a percentage equal to or in excess of such employer's benefit wage percentage for the then calendar year. The maximum employer's contribution rate under this subsection shall be 3.6 percent.

(g) Increase or decrease of contribution rate. - Contribution rates for each employer, and his employees when required by the provision of section 25-4-52 and subdivision (4) of this subsection, determined pursuant to subsection (f) of this section, shall nevertheless be subject to increase as hereinafter provided.

(1) The "benefits payroll ratio" of the state for each fiscal year shall be determined by dividing the total of benefits paid, including the state's portion of benefits paid under any extended benefit program, from the unemployment compensation fund within the preceding fiscal year, less any benefits paid for which payments in lieu of contributions have been paid or are currently due to be paid, by the state wide total of taxable payrolls of all employers upon which contributions have been paid during the same fiscal year, and by adjusting the quotient to the nearest multiple of one-thousandth.

(2) The "minimum normal amount" of the unemployment compensation fund for each fiscal year shall be one and one-half times the amount determined by multiplying the highest statewide total of taxable payrolls of all employers upon which contributions have been paid during any one of the three most recent preceding fiscal years by the highest benefits payroll ratio for any one of the 10 most recent preceding fiscal years.

(3) Whenever, at the end of any fiscal year, the fund is greater than the minimum normal amount for the next following fiscal year, the director shall on or before December 1, next following, so declare, and, effective for the 12 month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director as provided in subsection (f) of this section on the basis of each employer's benefit wage percentage computed for the said immediately succeeding calendar year and the state experience factor as determined for the said immediately succeeding calendar



| State<br>Experience<br>Factor      | Col. 1                             | Col. 2 | Col. 3  | Col. 4  | Col. 5  | Col. 6  | Col. 7  | Col. 8  | Col. 9  | Col. 10 | Col. 11 | Col. 12 | Col. 13 | Col. 14 |
|------------------------------------|------------------------------------|--------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
|                                    | Employer's Benefit Wage Percentage |        |         |         |         |         |         |         |         |         |         |         |         |         |
| 1%                                 | 50.00%                             | 75.00% | 100.00% | 125.00% | 150.00% | 175.00% | 200.00% | 225.00% | 250.00% | 270.00% | 300.00% | 330.00% | 360.00% |         |
| 2                                  | 25.00                              | 37.50  | 50.00   | 62.50   | 75.00   | 87.50   | 100.00  | 112.50  | 125.00  | 135.00  | 150.00  | 165.00  | 180.00  |         |
| 3                                  | 16.75                              | 25.00  | 33.25   | 41.50   | 50.00   | 58.25   | 66.75   | 75.00   | 83.25   | 90.00   | 100.00  | 110.00  | 120.00  |         |
| 3                                  | 16.75                              | 25.00  | 33.25   | 41.50   | 50.00   | 58.25   | 66.75   | 75.00   | 83.25   | 90.00   | 100.00  | 110.00  | 120.00  |         |
| 4                                  | 12.50                              | 18.75  | 25.00   | 31.25   | 37.50   | 43.75   | 50.00   | 56.25   | 62.50   | 69.50   | 75.00   | 82.50   | 90.00   |         |
| 5                                  | 10.00                              | 15.00  | 20.00   | 25.00   | 30.00   | 35.00   | 40.00   | 45.00   | 50.00   | 54.00   | 60.00   | 66.00   | 72.00   |         |
| 6                                  | 8.25                               | 12.50  | 16.75   | 20.75   | 25.00   | 29.25   | 33.25   | 37.50   | 41.75   | 45.00   | 50.00   | 55.00   | 60.00   |         |
| 7                                  | 7.25                               | 10.75  | 14.25   | 17.75   | 21.50   | 25.00   | 28.50   | 32.00   | 35.75   | 38.50   | 42.75   | 47.00   | 51.50   |         |
| 8                                  | 6.25                               | 9.50   | 12.50   | 15.75   | 18.75   | 22.00   | 25.00   | 28.00   | 31.25   | 33.75   | 37.50   | 41.25   | 45.00   |         |
| 9                                  | 5.50                               | 8.25   | 11.00   | 14.00   | 16.75   | 19.50   | 22.25   | 25.00   | 27.75   | 30.00   | 33.25   | 36.75   | 40.00   |         |
| 10                                 | 5.00                               | 7.50   | 10.00   | 12.50   | 15.00   | 17.50   | 20.00   | 22.50   | 25.00   | 27.00   | 30.00   | 33.00   | 36.00   |         |
| 11                                 | 4.50                               | 6.75   | 9.00    | 11.25   | 13.75   | 16.00   | 18.25   | 20.50   | 22.75   | 24.50   | 27.25   | 30.00   | 32.75   |         |
| 12                                 | 4.25                               | 6.25   | 8.25    | 10.50   | 12.50   | 14.50   | 16.75   | 18.75   | 20.75   | 22.50   | 25.00   | 27.50   | 30.00   |         |
| 13                                 | 3.75                               | 5.75   | 7.75    | 9.50    | 11.50   | 13.50   | 15.50   | 17.25   | 19.25   | 20.75   | 23.00   | 25.50   | 27.75   |         |
| 14                                 | 3.50                               | 5.25   | 7.00    | 9.00    | 10.75   | 12.50   | 14.25   | 16.00   | 17.75   | 19.25   | 21.50   | 23.50   | 25.75   |         |
| 15                                 | 3.25                               | 5.00   | 6.75    | 8.25    | 10.00   | 11.75   | 13.25   | 15.00   | 16.75   | 18.00   | 20.00   | 22.00   | 24.00   |         |
| 16                                 | 3.25                               | 4.75   | 6.25    | 7.75    | 9.25    | 11.00   | 12.50   | 14.00   | 15.75   | 16.75   | 18.75   | 20.50   | 22.50   |         |
| 17                                 | 3.00                               | 4.50   | 6.00    | 7.25    | 8.75    | 10.25   | 11.75   | 13.25   | 14.75   | 16.00   | 17.75   | 19.50   | 21.25   |         |
| 18                                 | 2.75                               | 4.25   | 5.50    | 7.00    | 8.25    | 9.75    | 11.00   | 12.50   | 14.00   | 15.00   | 16.75   | 18.25   | 20.00   |         |
| 19                                 | 2.75                               | 4.00   | 5.25    | 6.50    | 8.00    | 9.25    | 10.50   | 11.75   | 13.00   | 14.25   | 15.75   | 17.25   | 19.00   |         |
| 20                                 | 2.50                               | 3.75   | 5.00    | 6.25    | 7.50    | 8.75    | 10.00   | 11.25   | 12.50   | 13.50   | 15.00   | 16.50   | 18.00   |         |
| 21                                 | 2.50                               | 3.50   | 4.75    | 6.00    | 7.00    | 8.25    | 9.50    | 10.75   | 12.00   | 12.75   | 14.25   | 15.75   | 17.25   |         |
| 22                                 | 2.25                               | 3.50   | 4.50    | 5.75    | 6.75    | 8.00    | 9.00    | 10.25   | 11.25   | 12.25   | 13.75   | 15.00   | 16.25   |         |
| 23                                 | 2.25                               | 3.25   | 4.25    | 5.50    | 6.50    | 7.50    | 8.75    | 9.75    | 10.75   | 11.75   | 13.00   | 14.25   | 15.75   |         |
| 24                                 | 2.00                               | 3.25   | 4.25    | 5.25    | 6.25    | 7.25    | 8.25    | 9.50    | 10.50   | 11.25   | 12.50   | 13.75   | 15.00   |         |
| 25                                 | 2.00                               | 3.00   | 4.00    | 5.00    | 6.00    | 7.00    | 8.00    | 9.00    | 10.00   | 10.75   | 12.00   | 13.25   | 14.50   |         |
| 26                                 | 2.00                               | 3.00   | 3.75    | 4.75    | 5.75    | 6.75    | 7.75    | 8.75    | 9.50    | 10.50   | 11.50   | 12.75   | 13.75   |         |
| 27                                 | 1.75                               | 2.75   | 3.75    | 4.75    | 5.50    | 6.50    | 7.50    | 8.25    | 9.25    | 10.00   | 11.00   | 12.25   | 13.25   |         |
| 28                                 | 1.75                               | 2.75   | 3.50    | 4.50    | 5.25    | 6.25    | 7.00    | 8.00    | 9.00    | 9.75    | 10.75   | 11.75   | 12.75   |         |
| 29                                 | 1.75                               | 2.50   | 3.50    | 4.25    | 5.25    | 6.00    | 7.00    | 7.75    | 8.50    | 9.25    | 10.25   | 11.25   | 12.50   |         |
| 30                                 | 1.75                               | 2.50   | 3.25    | 4.25    | 5.00    | 5.75    | 6.75    | 7.50    | 8.25    | 9.00    | 10.00   | 11.00   | 12.00   |         |
| 31                                 | 1.50                               | 2.50   | 3.25    | 4.00    | 4.75    | 5.75    | 6.50    | 7.25    | 8.00    | 8.75    | 9.75    | 10.75   | 11.50   |         |
| 32                                 | 1.50                               | 2.25   | 3.00    | 4.00    | 4.75    | 5.50    | 6.25    | 7.00    | 7.75    | 8.50    | 9.50    | 10.25   | 11.25   |         |
| 33                                 | 1.50                               | 2.25   | 3.00    | 3.75    | 4.50    | 5.25    | 6.00    | 6.75    | 7.50    | 8.25    | 9.00    | 10.00   | 11.00   |         |
| 34                                 | 1.50                               | 2.25   | 3.00    | 3.75    | 4.50    | 5.25    | 6.00    | 6.50    | 7.25    | 8.00    | 8.75    | 9.75    | 10.50   |         |
| 35 or<br>More                      | 1.50                               | 2.25   | 3.00    | 3.50    | 4.25    | 5.00    | 5.75    | 6.50    | 7.25    | 7.75    | 8.50    | 9.50    | 10.25   |         |
| Employer's<br>Contribution<br>Rate | .5                                 | .75    | 1.00    | 1.25    | 1.50    | 1.75    | 2.00    | 2.25    | 2.50    | 2.70    | 3.00    | 3.30    | 3.60    | 4.00    |

year as provided in subsection (e) of this section.

(4) a. If at the end of any fiscal year the fund is less than the minimum normal amount for the next following fiscal year, the director shall on or before the December 1, next following, so declare. To be effective for the 12-month period beginning with January 1, of the immediately succeeding calendar year, the contribution rates for each employer shall be determined by the director from the table in subsection (f) of this section on the basis of each employer's benefit wage percentage determined for the said immediately succeeding calendar year and an increased state experience factor to be computed by multiplying the state experience factor for the said immediately succeeding year by two. In computing rates under this subsection all 14 columns in the table in subsection (f) of this section shall be used. If no percentage equal to or in excess of such benefit wage percentage appears on said horizontal line, the employer's contribution rate shall be four percent (4.0%).

b. Notwithstanding any inconsistent provisions of this section, to the rates of contribution as determined by using the table in subsection (f) of this section there shall be added to such rate an additional one-half percent (0.5%) beginning January 1, 1978, and ending on the first day of the first calendar year following enactment at the beginning of which there is not an outstanding indebtedness to the Federal Unemployment Fund for monies advanced for the payment of benefits; provided, however, that no rate shall exceed four percent (4.0%).

c. When the state experience factor is required to be multiplied by two, as heretofore provided, each employee employed by an employer subject to this chapter shall, except as provided in section 25-4-52, contribute to the fund throughout the next immediately succeeding calendar year, and effective with wages for employment paid to him on or after the first day of such calendar year, at the rate of 0.5 percent (one-half of one percent).

(5) Any amount credited to this state's account under section 903 of the Social Security Act, as amended, which has been appropriated for expenses of administration, whether or not withdrawn from the trust fund, shall be included in the trust fund balance in determining whether or not such fund is greater or less than the minimum normal amount for a fiscal year.

(6) The director shall notify each employer of such declaration and change in state experience factor and of his benefit wage percentage and his contribution rate within 30 days after each such January 1, and, when contributions are required of employees under the provisions of this section, notice of such

requirement shall be given the employer not later than 10 days prior to the effective date of such contributions. This subdivision (6) shall not apply to employers who, in lieu of contributions, reimburse the fund for benefits paid.

(h) Review of contribution rate, etc. - Any employer may apply to the director for and shall be entitled to a review as to the determination of his benefit wage percentage and his contribution rate as fixed by his benefit wage percentage, provided such application is filed within 30 days of the date of the mailing by the director to the employer of the notice of such determination. Pending such review such employer shall, when required by subsection (g) of this section, withhold and transmit employee contributions and make all contribution payments otherwise required by this chapter at contribution rates fixed by the determination sought to be reviewed and resulting overpayments or underpayments of contributions by the employer shall, upon any redetermination, be adjusted or refunded pursuant to section 25-4-137. Any employer may within 30 days after the date of mailing by the director to such employer of notice of the ruling of the director upon such application for review appeal such ruling to the circuit court of any county wherein the employer is engaged in doing business, upon such terms and upon giving such security for costs as the court may upon application prescribe. Trial in that court shall be de novo with respect to his benefit wage percentage.

(i) Contribution rate, etc., of successor employer. — For the purpose of this section, an employer's benefit wages and that part of his taxable payroll with respect to which contributions have been paid, shall be deemed benefit wages and taxable payrolls of a successor employer and shall be taken into account in determining the contribution rate of such successor employer as provided in subsection (f) of this section, if such successor succeeds the employer in any of the manners set out in paragraph (a) (4)a of section 25-4-8: provided, that an employer subject to this chapter who becomes such in any of the manners set out in paragraph (a) (4)b of section 25-4-8 may have that portion of his predecessor's benefit wages and that part of his predecessor's total taxable payroll, with respect to which contributions have been paid which correspond to the segregable portion of the business assets and payroll thereof, acquired from his predecessor, deemed to be his benefit wages and his payroll and such shall be taken into account in determining his rates, as provided in subsection (f) of this section; provided, that he:

- (1) makes written application within 90 calendar days from the date of such acquisition; and
- (2) furnished to the director within 120 calendar days from

the date of such acquisition a transcript of such total and taxable payrolls which correspond to the segregable portion acquired from his predecessor; provided further, that in the event that within the intervening 120 days a notice of his rate of contribution has been mailed to the partial successor, the 30-day finality provision set forth in subsection (h) of this section shall not prevail but, instead, be effective with respect to the subsequent notice computed on the bases of the benefit wages and taxable payrolls of the acquired segregable portion."

**Section 6.** Section 25.4.70, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-70.

(a) After contributions have been due under this chapter for two years, benefits shall become payable from the fund to any employee who thereafter is or becomes unemployed and eligible for benefits, and shall be paid through employment office or such other agencies at such times and in such manner as the director may prescribe.

(b) (1) Benefits based on service in employment defined in subdivision (a)(2) and (a)(3) of section 25-4-10 shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this chapter; except, that benefits shall not be paid to any individual based on service in an instructional, research or principal administrative capacity in an institution of higher education, as defined in subsection (c) of section 25-4-10, or in any capacity in any educational institution below the level of higher education, as defined in subsection (d) of section 25-4-10, for any week of unemployment which begins during the period between two successive academic years, or during a similar period between two regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

For the purposes of this subdivision (1), the term "reasonable assurance" means a written, verbal or implied agreement that the employee will perform services during the ensuing academic year or term and the term "contract" is intended to include tenure status.

(2) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two

successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

(3) a. Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who is lawfully present in the United States as a result of the application of the provisions of section 203 (a)(7) or (d)(5) of the Immigration and Nationality Act).

b. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

c. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

**Section 7.** Section 25-4-74, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-74.

(a) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to which ever is the lesser of 26 times his weekly benefit amount and one third of the wages paid to him for insured work during his base period; provided, that such total amounts of benefits, if not a multiple of \$1.00, shall be computed to the nearest multiple of \$1.00. For the purpose of this article, wages shall be counted as "wages for insured work" with respect to any benefit year only if such wages were paid in the base period immediately preceding such benefit year; except, that any sum payment of wages in lieu of notice or dismissal or severance allowance shall be prorated over the period or periods with respect to which such payment is made and treated as though it had been paid in such period or periods. In determining an individual's benefit rights, remuneration payable but unpaid to such individual shall, to the extent that regulations promulgated by the director prescribe, be deemed to be "wages paid" to such individual.

(b) With respect to weeks of unemployment beginning on or after January 1, 1978, "wages for insured work" shall include

wages paid for previously uncovered services. For the purposes of this subsection, except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Act of 1974 was paid on the basis of such services, the term "previously uncovered services" means services:

(1) which were not employment as defined in section 25-4-10 and were not services covered pursuant to section 25-4-131 of this chapter at any time during the one year period ending December 31, 1975; or

(2) Which:

a. Are agricultural labor, as defined in paragraph (a)(4)a of section 25-4-10, or domestic service, as defined in paragraph (a)(4)b of section 25-4-10, or

b. Are services performed by an employee of this state, or a political subdivision thereof, as provided in paragraph (a)(2)b of this section 25-4-10, or by an employee of a non-profit educational institution which is not an institution of higher education, as provided in subdivision (a)(3) of section 25-4-10, but only if such institution was not subject to this chapter prior to January 1, 1978.

c. For the purpose of subdivision (a)(4) and subsection (b) of section 25-4-51, and the experience rating provisions of section 25-4-54 of this chapter no charges shall be made to the reimbursing account or to the experience rating account of any previously uncovered employer with respect to any benefits paid under the provisions fo the foregoing paragraph which are based upon previously uncovered base period wages to the extent that the fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566 or are otherwise reimbursed by the Federal Government.

It is provided further that no charges shall be made to the reimbursing account or to the experience rating account of any previously covered employer as the result of payments made upon previously covered wages provided that without the inclusion of such previously uncovered wages the previously covered wages alone would not have sufficient to qualify the individual for benefits as provided in seciton 25-4-72 and in this section.

Nothing herein, however, shall preclude the use of the benefit costs attributable to wages paid by any previously uncovered employer to be used in computing the average quarterly benefit costs as provided in subsection (b) of section 25-4-51."

**Section 8.** Section 25-4-75, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-75.

(a) Applicability of section. — Notwithstanding any other provisions of this chapter, the duration of benefits as provided in section 25-4-74 shall be extended as provided in this section.

(b) Definitions. — As used in this section, unless the context clearly requires otherwise, the following terms shall mean:

(1) EXTENDED BENEFIT PERIOD. A period which:

a. Begins with the third week after whichever of the following weeks occurs first:

1. A week for which there is a national “on” indicator; or
2. A week for which there is a state “on” indicator; or

b. Ends with either of the following weeks, whichever occurs later:

1. The third week after the first week for which there is both a national “off” indicator and a state “off” indicator; or

2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state “on” indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) NATIONAL “ON” INDICATOR. There is a “national ‘on’ indicator” for a week if the U. S. secretary of labor has so determined pursuant to federal law.

(3) NATIONAL “OFF” INDICATOR. There is a “national ‘off’ indicator” for a week if the U. S. secretary of labor has so determined pursuant to federal law.

(4) STATE “ON” INDICATOR. There is a “state ‘on’ indicator” for this state for a week if the director determines, in accordance with the regulations of the U. S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

a. Equalled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

b. Equalled or exceeded four percent.

(5) STATE “OFF” INDICATOR. There is a “state ‘off’ indicator” for this state for a week if the director determines, in accordance with the regulations of the U. S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

a. Was less than 120 percent of the average of such rates for

the corresponding 13-week period ending in each of the preceding two calendar years; or

b. Was less than four percent.

(6) **RATE OF INSURED UNEMPLOYMENT.** For the purpose of subdivisions (4) and (5) of this subsection (b), such term means the percentage derived by dividing:

a. The average weekly number of individuals filing claims in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of his reports to the U. S. secretary of labor, by

b. The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

(7) **REGULAR BENEFITS.** Benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85), other than extended benefits.

(8) **EXTENDED BENEFITS.** Benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

(9) **ELIGIBILITY PERIOD OF AN INDIVIDUAL.** The period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

(10) **EXHAUSTEE.** An individual who, with respect to any week of unemployment in his eligibility period:

a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. 85) in his current benefit year that includes such week; provided, that for the purposes of this subdivision (10), an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

b. His benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and



c. 1. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U. S. secretary of labor; and

2. Has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee. Provided, however, that this provision shall not apply to the Virgin Islands after the day on which the U. S. secretary of labor approves the Virgin Islands law under the provisions of Section 3304 (a) of the Federal Unemployment Tax Act.

(11) STATE LAW. The unemployment insurance law of any state, approved by the U. S. secretary of labor under section 3304 of the Internal Revenue Code of 1954.

(c) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. — Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(d) Eligibility requirements for extended benefits. — An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(1) He is an "exhaustee," as defined in subdivision (b)(10) of this section.

(2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipts of benefits.

(e) Weekly extended benefit amount. — The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

(f) Total extended benefit amount. — The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be 50 percent, rounded to the nearest multiple of \$1.00, of the total amount of regular benefits which were payable to him under this chapter in his applicable

benefit year.

(g) Beginning and termination of extended benefit period.

(l) Whenever an extended benefit period is to become effective in this state, or in all state, as a result of a state or a national "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator or state and national "off" indicators, the director shall make an appropriate public announcement.

(2) Computations required by the provisions of subdivision (b)(6) of this section shall be made by the director, in accordance with regulations prescribed by the U. S. secretary of labor."

**Section 9.** Section 25-4-130, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-130.

(a) Except as otherwise provided in subsection (b) of this section, any employing unit which is or becomes an employer subject to this chapter within any calendar year, shall be an employer subject thereto during the whole of such calendar year.

(b) Except as otherwise provided in section 25-4-131, an employer (except governmental entities) shall cease to be an employer subject to this chapter:

(1) As of January 1 of any calendar year if he files with the director, prior to April 1 of such year, a written application for termination of coverage and he has not, during the preceding calendar year, met any of the conditions for remaining subject to this chapter.

(2) a. As of the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a)(4)a of section 25-4-8; provided, that he shall have ceased to employ any individual or individuals in employment subject to this chapter. Provided further, however, should the disposing employer reacquire all or substantially all of the same employing unit during the same or next succeeding calendar year without the predecessor having employed individuals, thereby succeeding to the employment experience, he shall be deemed not to have ceased operation and shall have his rate of contribution computed based upon that portion of his and his successor's employment experience occurring during the period specified in section 25-4-54.

b. If, immediately subsequent to the date of transfer of his organization, trade or business, or substantially all the assets thereof to a successor as provided by paragraph (a)(4)a of Section 25-4-8, he continues to employ any individual or individuals in

employment subject to this chapter, he shall cease to be an employer subject to this chapter as of January 1, next following the date of such transfer; provided, that he files with the director prior to April 1, next following such January 1, a written application for termination of coverage and he has not, subsequent to the date of such transfer and prior to such January 1, met any of the conditions for remaining subject to this chapter.

(3) As of January 1, next following two consecutive calendar years ending on the preceding December 31, during which he employed no individuals in employment subject to this chapter.

(c) Any political subdivision which has made an election may, prior to January 1, 1978, terminate said election after the two-year period called for in subsection (b) of section 25-4-131 has been completed by filing with the director written notice not later than the December 1, of any calendar year, such termination to be effective as of the first day of the next ensuing calendar year with respect to services performed on and after that date.

(d) When an employer's coverage is terminated under the provisions of this section, such employer shall not, except as otherwise provided in this section, thereafter become subject to the provisions of this chapter on the basis of any employment by such employer prior to the effective date of such termination."

**Section 10.** Section 25-4-131, Code of Alabama 1975, is hereby amended to read:

"§ 25-4-131.

(a) Any employing unit (except one whose employment is specifically exempt under the provisions of subsection (b) of Section 25-4-10) not otherwise subject to this chapter which files with the director its written election to become an employer subject hereto for not less than two calendar years shall, with the written approval of such election by the director, become an employer subject hereto to the same extent as all other employers as of the date stated in such approval.

(b) Prior to January 1, 1978, any political subdivision of this state may elect at the beginning of any calendar quarter beginning on or after January 1, 1972, for a period of not less than two calendar years, to cover under this chapter service performed by employees in all of the hospitals and institutions of higher education, as defined in subsections (c) and (e) of section 25-4-10, operated by such political subdivision. Election is to be made by filing with the director a notice of such election at least 30 days prior to the effective date of such election."

**Section 11.** Section 25-4-145, Code of Alabama 1975, is hereby amended to read:

“§ 25-4-145.

(a) Penalties.

(1) Whoever willfully makes a false statement or representation or who willfully fails to disclose a material fact to obtain or increase any benefit or payment under this chapter, or under an unemployment insurance law of any other state or government, either for himself or for any other person, whether such benefit or payment is actually received or not, shall be guilty of a misdemeanor and upon such conviction shall be punished by a fine of not less than \$50.00 nor more than \$250.00, or by imprisonment for not longer than three months, or by both such fine and imprisonment, and each such false statement or representation shall constitute a separate and distinct offense.

(2) Any officer or agent of employer, or any employer who is an individual, who willfully makes a false statement or representation to avoid his employer or himself becoming or remaining subject to this chapter for contributions, or to reduce any contribution or other payment required of such employer or him under this chapter, or who willfully fails or refuses to make any such contributions or other payments as lawfully required under this chapter, or who induces any employee to waive any rights under this chapter, or any officer or agent of an employing unit, or any employing unit who is an individual, who refuses to furnish any reports duly required under this chapter or to appear or testify or produce records as lawfully required hereunder shall, upon conviction, be punished by a fine of not less than \$50.00 nor more than \$250.00, or by imprisonment for not longer than three months, or by both such fine and imprisonment, and each such false statement or representation and each day of such failure or refusal, and each such inducement shall constitute a separate and distinct offense.

(3) If the director finds that any fraudulent misrepresentation has been made by a claimant with the object of obtaining benefits under this chapter to which he was not entitled, then, in addition to any other penalty or prosecution provided under this chapter, the director may make a determination that there shall be deducted from any benefits to which such claimant might become entitled during his present benefit year and/or next subsequent benefit year, an amount not less than four times his weekly benefit amount and not more than the maximum benefit amount payable in a benefit year, as determined under sections 25-4-72, 25-4-74 and 25-4-75, at the time the director makes the determination. The director shall notify the claimant of his findings and determination either by delivering a copy thereof to him or by mailing a copy, postage prepaid, to his last known address. Unless

the claimant shall appeal from said finding or from said determination, or both, within seven calendar days after delivery of such notice to him, or within 15 calendar days after such notice was mailed to his last known address, postage prepaid, such finding and determination shall become final. If such claimant shall appeal from such finding or determination, or both, within the time specified, the issue or issues shall be referred to an appeals tribunal for hearing, as in other benefit cases, and thereafter the procedure shall be the same as set forth in article 5 of this chapter.

(4) Any person who, by reason of the nondisclosure or misrepresentation by him or by another of a material fact (irrespective of whether such non disclosure was known or fraudulent), has received any sum as benefits under this chapter while any conditions for the receipt of benefits imposed by this chapter were not fulfilled in his case, or while he was disqualified from receiving benefits, shall be required to repay such sum in cash or by offset against future benefits payable or a combination of both.

(5) Any violation of any provisions of this chapter, for which a penalty is neither prescribed above nor provided by any other applicable statute, shall be punished by a fine of not less than \$50.00 nor more than \$250.00, or by imprisonment for not longer than three months, or by both such fine and imprisonment.

(b) Limitation of actions. — Prosecution under this section must be begun within two years from the date of the commission of the offense or offenses described herein."

**Section 12.** Such monies as are needed to pay the state's portion of benefits herein provided are hereby appropriated from such funds as the salaries of the several state's employees are paid.

**Section 13.** Such monies as are necessary to finance the benefit costs for employees of local school systems shall be paid by the local school system from funds allocated from the Special Educational Trust Fund, and such amounts are hereby appropriated from the Special Educational Trust Fund for this purpose.

**Section 14.** All laws and parts of laws in conflict herewith are hereby repealed.

**Section 15.** If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and for this purpose the provisions of this act are severable.

**Section 16.** In the event any portion of Section 115 of the Unemployment Compensation Amendments of 1976 (Public Law

94-566, 94th Congress, dated October 20, 1976), as it applies to the requirement for States to provide coverage of certain services performed for local governmental entities under the various States' Unemployment Compensation Law, is determined to be unconstitutional or invalid in a final adjudication by the Courts of the United States, then from and after the date of such final adjudication, no local governmental entity of any county or municipality in the State of Alabama or their instrumentalities, or any separate public primary and secondary school system, as defined in Section 2 of this Act, shall be required to participate in the Unemployment Compensation Program; however, nothing herein shall be construed as invalidating the entitlement of such entities to elect coverage for their hospitals or institutions of higher education. Further, nothing herein shall be construed as relieving any entity of the responsibility for any contributions or payments in lieu of contributions incurred during the period prior to the date of the final adjudicational determination by the Courts.

It is further provided that in the event any local governmental entity shall become a part of any suit in the courts of the United States challenging the constitutionality of the provisions of Section 115 of PL 94-556 and such court, of competent jurisdiction, shall temporarily stay the implementation of said provision of federal law, then during the effective period of such stay, the coverage of said services shall be stayed in this state but shall be applicable only to those entities that are, or are made, a party to the suit or included in the stay.

**Section 17.** The provisions of this act shall have retroactive effect to, and shall be operable from, January 1, 1978.

**Section 18.** This act to take effect immediately upon its passage and approval by the Governor or its otherwise becoming law.

Approved January 9, 1978

Time: 4:50 P.M.

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Act No. 2

S.J.R. 3—Fine

### SENATE JOINT RESOLUTION

RELATING TO THE PRINTING OF ACTS AND JOURNALS

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the printed Journals and Acts of the Special Session of the Legislature of 1978 be bound respectively with the printed Journals and Acts of the

Regular Session of 1978

Approved January 11, 1978

Time: 3:00 P.M.

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Act No. 3

H.J.R. 4—Gafford

HOUSE JOINT RESOLUTION

AMENDING S.J.R. 4 OF THE ORGANIZATIONAL SESSION 1975 (ACT NO. 8, S.J.R. 4, PAGE 18, ACTS OF 1975) WHICH CREATED THE JOINT LEGISLATIVE PARKING COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S.J.R. 4 of Organizational Session of 1975 (Act No. 8, S.J.R. 4, page 18, Acts of 1975) is hereby amended to read as follows, viz:

“That there is hereby created a joint legislative committee to control and supervise the Chief of Services, the Department of Finance, in assigning parking places to members of the legislature and legislative personnel. Said committee shall consist of two members of the House, to be appointed by the Speaker, and two members of the Senate, to be appointed by the Lieutenant Governor.

“The joint legislative committee created by this resolution is hereby authorized to control the usage of those parking spaces located immediately adjacent to the grounds of the State Capitol Building in the City of Montgomery along the side of Washington Avenue. Said legislative committee shall also control the parking on the capitol grounds itself and on the parking lot located across Union Street to the rear of the Capitol between the Administrative Building and the Highway Building.”

BE IT FURTHER RESOLVED, That the provisions of this resolution are severable. If any part of the resolution is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Approved January 11th, 1978

Time: 3:00 P.M.

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Act No. 4

H.J.R. 8—Falkenburg

HOUSE JOINT RESOLUTION

INVITING THE CHIEF JUSTICE OF ALABAMA

**SUPREME COURT TO ADDRESS THE LEGISLATURE OF ALABAMA.**

WHEREAS, the revised Judicial Article VI of the Alabama Constitution was approved by the electorate of the state on December 18, 1973, as Amendment Number 328 to the Constitution of 1901; and

WHEREAS, implementation of the mandates of said Judicial Article VI have created unforeseen problems in various areas with the fiscal impact on the operation of the Courts of Alabama in the most urgent and compelling need of rectification; and

WHEREAS, having been recently elevated to the highest judicial office in the state, our former beloved and trusted colleague in the Legislature, C. C. Torbert, Jr., is serving currently as Chief Justice of the Alabama Supreme Court; he has vivid insight and a profound understanding of the dilemmas presently facing our courts; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we do most respectfully extend to Chief Justice C. C. Torbert an invitation to address the House and Senate of the Alabama Legislature, on **THIRD (3) LEGISLATIVE DAY** of the 1978 Regular Session, on the problems now being experienced as a result of implementation of the mandates of Amendment Number 328 to the Constitution of Alabama.

**BE IT FURTHER RESOLVED,** That the Clerk of the House of Representatives is hereby directed to inform Chief Justice Torbert, by copy of this resolution, of our invitation to address the Alabama Legislature.

Approved January 11th, 1978

Time: 3:00 P.M.



**MESSAGE OF GOVERNOR GEORGE C. WALLACE  
TO JOINT SESSION OF THE ALABAMA LEGISLATURE  
AT REGULAR SESSION JANUARY 10, 1978**

Lt. Governor Beasley, Speaker McCorquodale, Ladies and Gentlemen of the Alabama Legislature, my fellow Alabamians.

First, I would like to express my appreciation to the membership of our legislature for passage of the mandatory unemployment compensation bills in the special session just finished. These changes were mandated by the Federal Government and were absolutely necessary for our working men and women to continue to have protection of unemployment insurance and for our employers to continue to receive tax credits for their contributions to the Unemployment Fund. You did your job and I am sure the working men and women of Alabama are now grateful for your efforts.

I am proud to report that Alabama has enjoyed another year of steady and healthy progress. Economic prosperity continues at an ever-increasing pace. Unemployment has declined, and the training and productivity of our work force is again on the rise. All of this goes to make for a healthy economy—attractive to further development and expansion of business and industry in our state.

During the calendar year of 1977, through the efforts of the Administration, the Legislature, public officials and private citizens throughout the State, working through the Alabama Development Office, the State of Alabama experienced another banner year in industrial expansion. We gained \$1.6 billion dollars in capital investment in new and expanded industry during 1976, and I know that we exceeded that in 1977. Our year end report will be finalized and released this Friday, but I already know that we acquired 12,000 new jobs in 1976 and we more than doubled that in 1977.

Also, every county gained a new industry or had a plant expansion in 1977. In connection with this industrial development effort, I would like to point to a total cooperation of those associated with vocational education at the secondary and technical school level, our Development Office and industry.

In respect to development and productivity, I would like to offer a well deserved tribute to our fine farmers in Alabama. Economically, almost all Alabamians are experiencing good times. Such is not the case of the farmers in our state and nation. We owe much to those who produce our food and fiber. The fact that our farmers have been able to produce in such abundance has provided us in this country with the good life and has contributed more than

any other segment to our society to offsetting our international trade deficit. I support the farmers in the quest for full parity, and I believe those in this legislature do also.

Most of the relief for farmers must come from the Federal level. We at the State level in Alabama can help our farmers in the area of property tax. I will discuss that subject in more detail in a few minutes, but I do not believe that we should tax our farmers out of business with high property taxes. I hope you will act to prevent this from happening.

Another area of concern to me is the serious threat to our great textile industry from foreign imports. I have talked with President Carter and told him of the seriousness of the problem. I encourage you to communicate your concern by means of a joint resolution. The textile industry has been good for Alabama, and I feel we should speak up for them at this time.

Our steel industry, which has meant so much to Alabama over the years, is also facing threatening problems from abroad. I am sure you are aware of this and will make your position known to those at the Federal level.

Now back to the brighter side.

Our revenues for State Government increased by 14.10 per cent in 1976-77. This was accomplished without any increase in taxes levied on the people of our state. Primarily three factors contributed to this increase: 1. The productivity of our people; 2. Continued industrial development through new and expanded industry; and 3. Inflation.

Also, the State of Alabama has made some money. We continue to be proud of those departments that produce profits for Alabama. During the past year, the ABC Board realized a profit of over \$80.6 million, up over \$4 million from 1976, and the State Docks reported a record year of \$4.6 million from net earnings.

Another bright area in our economy has been the tourist industry. Speaking of tourism—one of the largest industries in Alabama—I would like to report to you that a record number of out-of-state persons visited with us in Alabama during 1977. This represented a sizable increase and with the continued promotion of our state park facilities, we expect to increase additionally in the forthcoming year. For the first time in Alabama history, tourism became a billion dollar plus industry in 1977. I congratulate the Travel Council of Alabama. I know that they are working toward even greater things in the area of tourism, and they have my assurance that the State will support their efforts in every way.

I am sure that all of you share with me the pride that Alabama

is the only state except Texas that has not increased consumer taxes since 1969. I am proud of that accomplishment. Further, I can express to you the gratitude of our people.

Also, I would like to express appreciation to our fine employees and to those who help me to keep our various departments within the confines of their respective budgets. I feel that we have had excellent fiscal management as evidenced by the healthy balances we had on hand at the end of our fiscal year in September.

In my considered opinion, the State of Alabama at the present time is operating on a sound fiscal basis in a manner in which you should be proud. During the coming year, the State will administer revenues approaching \$3 billion.

I am pleased to report that we were able to close the last fiscal year—on September 30—in a sound financial condition. There was working capital available in all of the major funds supporting State functions. As I reported last September 30, the Education Trust Fund at the time contained a working capital balance of \$74.5 million. The General Fund, supporting the general operations of government, contained a working balance of \$13.2 million. The General Fund balance is about as close as one could get and continue uninterrupted, efficient operations.

Our overall economy has continued to prosper, and the financial condition of the State has remained healthy.

As you can see by this report, Alabama has plenty of money—and I will not recommend any new taxes to you. In fact, should you pass any additional taxes, I shall veto those bills. Let me add that I do not expect you to pass any tax measures, but I take this opportunity to let you know my opposition to them. I do not believe that the good people of our state are in any mood to accept additional taxation at this time. They will no be in that mood until those taxes are needed.

Now, when I say that we have plenty of money, I am not saying that it is all in the right places. But I am submitting to you a balanced budget which will take care of the essential needs of State Government during the fiscal year 1978-79. Our budget will not reduce our services in any area, and I feel that it is fiscally sound.

One of the State's most monumental problems in 1977 was our Medicaid program. Your committee, headed by Representative Lee Pegues of Marion, has done a yeoman's task in focusing statewide attention to the Medicaid problem and helping to insure that our providers assume a cost-containment attitude. I thank the members of this committee for their efforts.

In June of 1977, I felt that it was necessary for the Governor's

Office to assume a more direct role in the management of the Medicaid Program. The program was transferred by Executive Order from the State Board of Public Health to the Office of the Governor on June 16, 1977. Immediately an austerity program was implemented and cost-containment actions were initiated. All of the cost-containment actions were geared to reducing costs without reducing the needed medical services provided to the aged, the blind, the disabled and the dependent children. Continuing efforts are being made to determine additional cost-containment and cost-reduction activities.

The money for Medicaid comes from the Federal Government and from the State General Fund. For each State dollar invested, approximately three Federal dollars are spent in the State.

Since we assumed control of the Medicaid Program, many other accomplishments have taken place. A major reorganization of Medical Services Administration, which administers the State's Medicaid Program, was completed and put into effect on October 1, 1977. The new organization permitted a reduction of 25 authorized positions. The new internal structure emphasized fiscal management control through improved audit and quality control systems, especially by combining fraud investigation and audit functions. The staff that primarily determines Medicaid eligibility for patients in nursing homes was transferred from the Department of Pensions and Security to Medical Services Administration to tighten administrative control.

Dramatic progress is being made on the prevention, detection and presecution of fraud, partially based on new Federal regulations which made Medicaid fraud a Federal offense. The Medical Services Administration is continuing to actively pursue instances of possible fraud and abuse, and has been working very closely with the Attorney General's Office to secure indictments wherever indicated. During the past fiscal year, 67 full field investigations were conducted involving providers and recipients, which resulted in the identification of approximately \$1 million in monies paid for services rendered under fraudulent or questionable circumstances. Four providers were terminated for fraud, nine providers and recipients were indicted for fraud—five were convicted and four are still pending trial in State or Federal courts. Various forms of action were initiated against the others, including administrative review, peer review, suspension or recoupment action.

Implementation of a computerized management information system is expected to greatly reduce fraudulent and excessive claims by Medicaid providers and recipients. This computerized management system is a further step in the process of reducing

Medicaid costs to the taxpayer since we assumed control of the Medicaid Program.

Even though tremendous progress has been made under the leadership of Commissioner Worthington, problem areas do exist in the Medicaid Program. One area of grave concern is the lack of prompt reimbursement to providers of service. Because of failure to timely process and appropriately pay claims to all providers, our fiscal intermediary was given written notice on December 16, 1977, that they were considered to be in default of their contractual agreements with the Medical Services Administration. Under the provisions of the contract, 30 days was given in which to cure the seven points of default or termination procedures will be implemented. Alternate plans are under consideration in case a change in fiscal intermediary is necessary.

The magnitude of the Alabama Medicaid Program is tremendous in both dollars and services provided to Alabama citizens. The Medicaid Program affects over one million individuals in Alabama, including recipients, families of recipients, plus those involved in provider and health services. This number is astounding since it represents almost one-third of the population of the State. The actual number of Medicaid recipients varied from 330,000 to 400,000 per month in 1977. Without the Medicaid Program a great number of Alabama citizens would be deprived of much needed health care, and every county would be economically affected.

Today, we have a model mental health program. I look upon the new dimensions offered by regional centers and emphasized outpatient care with considerable pride. It was only a few short years ago that some of the toughest fighting of my government career was taking place over mental health funding. Our program today accommodates over 5,000 full-time patients and touches the lives of approximately one-half million Alabamians in some manner. Many now look with envy at this program, and I congratulate those fine people who work in our Mental Health Department.

The Board of Corrections has made selections of sites for new prison facilities. The funding for the new construction comes from Revenue Sharing and a general obligation bond issue voted by the people. This new construction should help to relieve some of the overcrowding now present in our county and city jails. Additional operational funding will be necessary when the new facilities are completed. We are continuing to do the best we can with what we have in our prison system.

Another area of great progress in our state during 1977 was in our transportation system. I am currently serving as Chairman of

the Tennessee-Tombigbee Waterway Development Authority. I am happy to say that new highs were reached in the construction of that project during the past year. We may be able to complete the project two years ahead of schedule at a cost of less than its projection. Now, how many projects have you heard of that can be finished ahead of schedule and cost less than anticipated? We are hopeful that the Tennessee-Tombigbee Waterway can be completed by 1984, and if that is possible, it will mean more than \$200 million can be saved in construction cost and transportation benefits. The prospects look good for completion in 1984 rather than 1986 as had been earlier predicted.

Once completed, the Waterway is going to be a tremendous boost for Alabama. We can expect the number of new jobs brought about by the completion of the Waterway to be in the tens of thousands. I do not want to see anything delay the development of the project. Last year when President Carter placed it on his list of projects to be reviewed, I quickly journeyed to Washington and met with the President, the Director of the Office of Management and Budget and the Senate and House Committees. The end result of those meetings and hearings was that President Carter and the Congress approved the Tennessee-Tombigbee project with full funding.

I am presenting you a highway budget which will increase our maintenance program throughout the State. The budget will also take advantage of all Federal matching funds that will be available to Alabama during the 1978-79 fiscal year.

Our interstate system within the confines of Alabama is about 95% completed or under construction at this time. During the past year we were able to open section of I-59 in Birmingham from the airport to Roebuck Plaza, sections of I-20 at the State line connecting Birmingham and Atlanta, and I-85 is now open from Montgomery, Alabama—its Southwestern termination point—to Petersburg, Virginia. Also, a sizable section of I-10 across the Causeway in Mobile was opened to traffic during 1977.

Presently, we have almost \$500 million of highway construction projects in progress in Alabama. We expect to begin better than \$227 million in new projects during this fiscal year.

Alabama continues to have the lowest gasoline tax and the lowest highway user taxes of any state in the Southeastern part of our country.

I hope you pass the highway budget with at least as much funding as I recommend. If you can find additional funds, I would certainly be in agreement with you if you decided to place those in our highway program.

I am proud of the manner in which the affairs of the State have been handled during the past year. I am happy, as stated earlier, to report to you that Alabama is in a sound fiscal condition and is operating in what I believe to be in an effective and efficient manner.

I, of course, have certain proposals to make to you at this time. These proposals lie principally in the area of budget recommendations.

I am submitting to you tonight my recommended budgets for education and for the general government for the fiscal year beginning October 1, 1978.

I have emphasized many times that education is the number one function of government. I repeat that claim tonight as I present the largest education budget in the history of this state—approximately \$1 billion, 200 million. Ironically, as I was preparing these remarks, I was scanning previous budget messages that I have made to the State Legislature of Alabama. I found that in the text of my message of May, 1973, that I informed that Legislature that they would be the first in the history of this state to appropriate a billion dollar budget. Of course, that was in 1973 when the Legislature met every two years. The amount of the budget was \$1 billion, 154 million. Tonight, I am presenting to this legislature the largest education budget in the history of Alabama—approximately \$1 billion, 200 million for one year—1978-79. So you can see by the budget that I am presenting to you tonight and by comparing that to the budget of 1973 that the expenditure for education in Alabama will have increased by over \$1 billion since 1973.

I would like to point out here that when I took office as your governor in 1963, the total appropriation for education was \$140 million. Our budget tonight represents almost a tenfold increase in educational expenditures during the Wallace years in Alabama.

There were some 827,410 students in grades one through twelve in 1963. There are 749,320 enrolled in those grades this year. Our great trade and vocational school system today serves 18,880 students compared to 4,989 students in 1963. In 1963, we had 63—that's correct, sixty-three—students in junior college. Today, our junior colleges serve some 30,000 students in the close vicinity of their homes.

In 1963, we had 35,454 full-time students in our four-year universities and colleges. Today, our universities have 85,961 full-time students. Also, in 1963, we had 296 students in medical school and 1747 studying the art of nursing. Today we have 864 studying to be doctors and 5922 in nursing schools.

I take pride in the progress made in education during the years that I have been your governor. I know that the members of this legislative body before me tonight share this pride for the part that they, too, have played in this progress. We are fortunate in Alabama that we were able to continue this progress. In many states, we read of reduced funds available for public education. Thank goodness that is not true in Alabama. I might mention at this point that our continued progress is largely because of the productivity and ingenuity of the working Alabamian. It is through the productivity of the men and women of this state who work and produce that we are able to provide the good things in education and the good things in State Government. I have stated many times that government at no level produces revenue. Government spends money. The money is made by the people who work and pay taxes. So, let us give credit to our people who work and produce. They are the kings and queens of Alabama.

This year, as I did last year, I appointed a committee composed of persons from all segments of education to review the needs of education in Alabama and to make recommendations to me. That committee has made its report. The Committee was unanimous in its recommendations except for one or two items. Those recommendations were utilized by me in preparing my budget.

As I have stated, I am proud of the education budget that I am submitting to you. It includes a cost of living raise for the fine teachers of our education system. There has been a rise in the cost of living and this will enable our teachers to maintain their standard of living. In this regard, I am also recommending an increase of \$40 per month for those teachers who retired on or before September 30, 1973. This is the first increase that these fine individuals will have had in several years, and it is badly needed by them.

I am recommending increases in the funds spent for free textbooks, for utilities and other expenses in our public schools and for public transportation of students. I am recommending a substantial salary increase for the lunchroom and custodial personnel who work in the public schools in Alabama. I am recommending substantial increases for vocational educational training and for education of our handicapped who have special needs. You will find proposed increases in the field of medical education to enable us to train even more doctors and nurses to provide health care for all of our citizens. Our community colleges, technical schools and great universities are adequately funded in my budget to continue their outstanding service to the people of Alabama.

In addition, I believe there are capital outlay needs which cannot be met through the budget that I am recommending. In view



of these circumstances, I am submitting to you a proposed bond issue in the amount of \$200 million with all segments of public education sharing in the proceeds.

Although our total number of elementary and secondary students today are less than they were in 1963, our population has shifted in many cases and buildings have become old, outdated and dilapidated. Our post secondary population continues to increase. In view of these needs and the continued desire of our citizens to improve the quality of public education, I urge the early passage of this bond issue so we can get about the business of building new additions to our schools where they are so badly needed. I am advised that a bond issue of this size will in no way affect our good bond credit rating.

I will also ask that you consider making funds available to our very fine private colleges and universities in Alabama that are having severe financial difficulty. This proposal will be through tuition grants and resembles the bill that was before you last year that died in the State Senate. More than 40 States have tuition grants at present. The loss of those institutions would be a great blow to our state. You should pass this measure during this session.

Turning to our General Fund, I am submitting a balanced budget which I am required to do by law. I would like to point out that with one exception in recent years most of the growth of revenue going to the General Fund has been used for humanitarian purposes.

This session of the Legislature should also address and pass legislation that will give relief to the property taxpayers of Alabama. Alabama homeowners and small business operators are rightly concerned over the possibility of sudden large tax increases in their ad valorem tax. These increases are going to occur if this legislature does not act this year. In fact I can tell you tonight that if you do not act in this session to bring about property tax relief to the homeowners and small business operators of this state, you will probably be back in special session following this regular session of the Legislature. The possibility of increased ad valorem taxes is a result of a Federal court-ordered tax equalization program now being carried out in the State. You have known about the increases that are forthcoming for some two regular sessions of this legislature. You have debated it. You have studied it. You have filibustered it. You have argued about it. Now it is time that we pass some legislation that will give the people relief. I know that this issue is not emotional at this point because the taxes have not hit. But believe you me, when they do, the people from the Tennessee line to the Gulf Coast and from the Georgia border to the Mississippi border are going to be most infuriated and I don't blame them.

The people's concern is justified over this equalization because they know that when things are equalized, they are equalized upward.

A man doesn't use his home to make money. We ought to have a tax system that encourages home ownership and protects the family home and business from increased property taxation.

I am opposed to any increase in property taxes without a vote of the people. No action on your part will mean increased taxes on our property owners.

I will also propose a bill to increase the homestead exemption. This measure will further assist our home and family farm owners.

I trust that you will act on these measures with all due speed. This legislature should also:

1. Pass home rule.

2. Repeal the 4% utility tax, and if you cannot do that, at least eliminate this tax from citizens over 65.

3. Pass Reorganization Bill. During the last session, I introduced to you a bill that would reorganize State Government into a more workable and a more responsive manner. You did not act on that measure, and I know that you still have those proposals before you. Some of your members will be presenting reorganization proposals, and I invite you to address this problem with great sincerity. The bill that the Administration will offer has been worked on for several years. We have had the advice of experts, and I feel that we have a good bill. You should pass reorganization unless some who have talked so loud for it really do not want a reorganization to take place.

4. Pass the utility measures that I have presented to you so often in times past. In 1975, I called you into special session because of the spiraling utility costs. In the 1975, 1976 and 1977 Regular Sessions, I again presented to you a package of utility bills—the same package. They met with the same fate. In 1977, I again called you into special session to consider the same utility bills. I pointed out on all occasions that homeowners had electric power bills higher than their mortgage payments. The situation became worse and worse. The burden became heavier and heavier. Each time the House of Representatives passed the measures that I introduced. Each time the Senate filibustered those same measures. The Senate refused to vote. The sessions died. Power bills went higher and higher and higher, and we continue to have the problem with us. I

have travelled extensively throughout Alabama, and I know of the great concern that the public has over the high cost of electricity. I also know that many of you have travelled and that you have met with the same concern to the point of burning madness and frustration from the people. To put it short, in many cases they have “blessed you out”.

Since the Power Company has completed or nearly completed some of their larger construction projects, these bills may not have the impact they would have had three or four years ago. The Alabama Power Company had large amounts of construction going on at the Farley Nuclear Plant at Dothan and other places in Alabama at that time.

So, I expect you to pass these bills during this session. They will not do as much good now as they would have done in 1975—in fact had you passed them when I first asked you to in 1975, it would have meant additional millions and possibly even billions of dollars to the working men and women of Alabama. But you did not do that. Perhaps it is never too late. I say again that I know the game plan. I know that the bills will not do as much good now as they would have in 1975, but I am going to give you another chance to pass the bills. I hope that you will pass them.

Finally, let me say that I intend to work with you in a spirit of harmony and cooperation throughout your session. I pledge to you that such will be the case with my Cabinet and staff. I am convinced that in this way we can best serve the interest of the people of Alabama and we can best realize our potential as individuals and our greatness as a people. Our efforts must guarantee that this becomes a reality, and through working together, I know that this is possible.

As for myself, I am proud of the past accomplishments of the State of Alabama and her people. I am thrilled and excited at the prospects of the future that lie ahead. I am proud of the opportunity to continue to serve the people of Alabama—the finest people in the world—and this I have said on many occasions and in many places throughout the United States. The people of this state have been so good and so kind to me. We owe the people of Alabama much, so let us give them our dedicated efforts during the weeks ahead.

So—deeply rooted in our history of achievement—proud to an extreme of our present accomplishments—and thrilled by the prospects lying ahead, I am reminded of a line from Robert Frost’s

poem that I have used often before with intended meaning: “The woods are lonely, dark and deep; but I have promises to keep and miles to go before I sleep, and miles to go before I sleep.”

# ALABAMA LAWS

## And Joint Resolutions

### REGULAR SESSION 1978

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Act No. 1

H.J.R. 2—Manley

#### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

Approved January 20, 1978

Time: 2:30 P.M.

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Act No. 2

H.J.R.3—Manley, McNees, Plaster, Weeks

#### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 6:30 P.M. on January 10, 1978 for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

AND BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of two from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

Approved January 20, 1978

Time: 2:30 P.M.

Act No. 3      H.J.R. 39—Harris, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce

## HOUSE JOINT RESOLUTION

### CONGRATULATING THE 1978 CONTESTANTS OF THE ALABAMA JUNIOR MISS PAGEANT

WHEREAS, competition to select Alabama's Junior Miss for 1978 will begin January 20, 1978, in Montgomery with the winner to be crowned Saturday, the 21st; and

WHEREAS, each young lady is to be congratulated for having won the honor of representing her county in statewide competition on the basis of such admirable attributes as charm, talent and scholastic ability; and

WHEREAS, the 1978 contestants and their counties are: Tanya Dianne Womack, Baldwin county; Regina Kay Shadwick, Bibb County; Karen Jo Griffin, Blount County; Malinda Jane Snowden, Butler County; Kelley Challice Pody, Calhoun County; Teresa Darlene Singleton, Cherokee County; Cynthia Lynn Christopher, Choctaw County; Terri Carol Jones, Clarke County; Deborah Marie Klingenberg, Coffee County; Kelly Carol King,

Crenshaw County; Jimmy Dean Parrish, Cullman County; Dorris Kay Bryson, Dallas county; Felicia Dawn Mitchell, DeKalb County; Carrie Jennifer Jackson, Elmore County; Kelly Devon Castelin, Escambia County; Benida Rose Pillitary, Etowah County; Amy Maria Caldwell, Geneva County; Janet Kay Ward, Henry County; Joni Elizabeth Johnston, Houston county; Joy Dawn McGinty, Jackson County; Gina Darlene Harris, Jefferson County; Mary Dora Schreiner, Lowndes County; Carole Lynn Richardson, Marengo County; Pamela Kay Taylor, Marshall County; Stephanie Lynn Moore, Mobile County; Kristan Anne Geddert, Monroe County; Victoria Jean Brown, Montgomery County; Patricia Anne Dew, Morgan County; Anita Jean Estes, Northwest Alabama; Linda marie Nichols, Perry County; Donna Lisa Dismukes, Pike County; D'Andrea Cardone, Shelby County; Sharen Elsie Millar, St. Clair County; Priscilla Shaw Gaines, Talladega County; Martha Carol Cochran, Tallapoosa County; Kimberly Ann Watson, Tri-County representative; Sylvia JoAnn Stephens, Tuscaloosa County; Tina Loren Morgan, Walker County; Carol Dickey, Washington County; and Sharon Eleanor Harvey, Wilcox County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily congratulate the 1978 Alabama Junior Miss Contestants, commend them for their many outstanding accomplishments and wish them every future success.

BE IT FURTHER RESOLVED, That each contestant receive a copy of this resolution as a token of our esteem.

Approved January 20th, 1978

Time: 2:30 P.M.

Act No. 4

H.J.R. 31—Cates, Mitchem, Albright, Baker, Barron, Campbell, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Holley, Holmes (D), Hopping, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Lutz, McCluskey, McCorquodale, McNees, Manley, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sasser, Shelton, Shoemaker, Smith (C), Smith (M), Starkey, Turnham,

Venable, Ward, Warren,  
Whatley, Younce

HOUSE JOINT RESOLUTION

MEMORIALIZING PRESIDENT CARTER AND THE U.S.  
CONGRESS TO TAKE AFFIRMATIVE STEPS IN  
RESTORING THE BALANCE OF AMERICAN  
AGRICULTURE.

WHEREAS, the farmers of this nation are the very foundation upon which this country was built; and

WHEREAS, agriculture is over a billion dollar business in this state and as such is the key industry in Alabama; and

WHEREAS, the farmers of this state and nation represent only four percent of the population but feed and clothe the remaining 96 percent; and

WHEREAS, farmers should be allowed to expand, develop and compete in all potential domestic and foreign markets without fear of embargoes or restrictions; and

WHEREAS, the income of Alabama Farmers dropped to a disastrous level in 1977 due to extremely unfavorable weather conditions and low farm prices; and

WHEREAS, the low income situation placed a heavy burden upon Alabama farmers which is causing grave concern and dissatisfaction among the farmers; and

WHEREAS, the drastic economic plight confronting Alabama farmers endangers the continued growth and progress of our great state;

NOW THEREFORE, BE IT RESOLVED that the Alabama Legislature, through means of this resolution, show its support to those Alabama farmers who pursue sound, constructive and legal means to improve the economic conditions of agriculture and that we urge Congress to assure that government programs for farms are responsive to the demands for short term production needs and for long term sustained development of American agriculture, recognizing that a strong agriculture provides for a strong, healthy nation.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the United States, the Alabama Congressional delegation, the Secretary of Agriculture, and the Governor of the State of Alabama.

Approved January 20th, 1978

Time: 2:30 P.M.



Act No. 5                S.J.R. 32—Fine, Adams, Baker, Bank, Clemon,  
Edwards, Ellis, Gilmore, Goodwin,  
Higginbotham, Jones, King, Little,  
McDonald (A), McDonald (S),  
McMillan, Miller, Mims, Mitchell,  
Noonan, Owen, Pearson, Peden,  
Perloff, Perry, Powell, Proctor,  
Roberts, St. John, Shelby, Stewart,  
Teague, Vacca, Waldrop and Wilson

## SENATE JOINT RESOLUTION

EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR  
FRIEND, HERBERT NATION.

WHEREAS, It has been called to our attention that today, January 10, is the 76th birthday of Mr. Herbert Nation, distinguished president of Brown Printing Company of Montgomery; and

WHEREAS, In his fifty years of service to Brown Printing Company, he has become a highly respected expert on legislative printing, constitutional amendments, and election laws in Alabama; and

WHEREAS, The legislative calendars and journals have all gone through his capable hands for many years, and his expertise has been of immeasurable help both to the staff and to generations of legislators; and

WHEREAS, We are all proud to call Herbert Nation our friend; his friendliness and youthful personality have endeared him to everyone with whom he comes in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do extend to Herbert Nation our hearty best wishes for a very happy birthday, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Nation and to Brown Printing Company.

Approved February 6, 1978

Time: 4:30 P.M.

Act No. 6            S.J.R. 33—King, Baker, McDonald (A), Adams,  
Bank, Clemon, Edwards, Ellis, Fine,  
Gilmore, Goodwin, Higginbotham,

Jones, Little, McDonald (S),  
McMillan, Miller, Mims, Mitchell,  
Noonan, Owen, Pearson, Peden,  
Perloff, Perry, Powell, Proctor,  
Roberts, St. John, Shelby, Stewart,  
Teague, Vacca, Waldrop and Wilson

## SENATE JOINT RESOLUTION

MOURNING THE DEATH OF THE HONORABLE  
GLENN H. HEARN.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of the Honorable Glenn H. Hearn on January 7, 1978, in Huntsville, Alabama, at the age of 63; and

WHEREAS, Glenn H. Hearn was a diligent and dedicated public servant of impeccable character and repute who served his nation for some twenty years as a special agent for the Federal Bureau of Investigation; and

WHEREAS, he further served the citizens of Huntsville as their mayor for four of the most successful years in the history of that city; and

WHEREAS, Glenn Hearn was our former colleague in the Alabama House of Representatives who most ably served the citizens of Madison County during both his legislative tenure from 1970 to 1974 and also as personnel director for Madison County in which capacity he was serving at the time of his death; and

WHEREAS, he was a beloved and highly respected member of his community who dedicated a lifetime to serving the needs of the citizens of Huntsville and Madison County as well as those of his state and nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and deeply regret the death of our beloved former colleague, Glenn H. Hearn; we extend our most heartfelt sympathy to all members of his family to whom copies of this resolution shall be sent as evidence of our shared sorrow in their great loss.

Approved February 6, 1978

Time: 4:30 P.M.

COMMENDING MR. ION S. WALKER FOR OUTSTANDING SERVICE ON THE MOBILE COUNTY RACING COMMISSION.

WHEREAS, the Legislature of Alabama has noted, with deep appreciation, the notable service of Mr. Ion S. Walker as a member and Secretary of the first Mobile County Racing Commission; and

WHEREAS, during Mr. Walker's term of service, the Commission was responsible for supervising the establishment, licensing and operation of the first dog racing track in Alabama; and

WHEREAS, Mr. Ion S. Walker devoted considerable time, interest and effort to the work of the Mobile County Racing Commission in order to assure that dog racing would be conducted in an efficient, honest and proper manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Ion S. Walker for his many outstanding contributions and dedicated service as a member and Secretary of the first Mobile County Racing Commission; we join with the entire Mobile County Legislative Delegation in extending our thanks for excellence in the performance of his duties.

BE IT FURTHER RESOLVED, That Mr. Walker be presented with a copy of this resolution as evidence of our appreciation and esteem.

Approved February 6, 1978

Time: 4: 30 P.M.

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Act No. 8

S.J.R. 35—Ellis, Wilson, Vacca, Gilmore,  
Clemon, Proctor, Peden, McMillan,  
Fine, Goodwin, Bank, Noonan,  
McDonald (A), King and Perry

SENATE JOINT RESOLUTION

CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

WHEREAS, many citizens of the State of Alabama, and particularly those residing in the great City of Birmingham, have worked diligently over a long period to establish a football bowl spectacular; and

WHEREAS, on December 22, 1977, in the famed Legion Field in Birmingham, the inaugural Hall of Fame Classic pitted the Maryland Terps against the Minnesota Gophers, which brought the Terps a 17-7 victory; and

WHEREAS, an estimated 47,000 enthusiastic fans braved well-chilled weather to support this first bowl classic and were thrilled by the heart-stopping plays and talented players who were second to none; and

WHEREAS, Alabama and the "Magic City" have earned over the years the acclamation as "The Football Capital of the South"; and

WHEREAS, much honor and prominence were given to our great State and the City of Birmingham and its citizens when thousands of viewers throughout our nation watched the Hall of Fame Classic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the promoters of the Hall of Fame Classic, the two teams for their fine performance and the supporters throughout the State whose enthusiasm has made this bowl a reality and which continues the fine football tradition of our State and the City of Birmingham.

BE IT FURTHER RESOLVED, That this body does with the promoters of this fine bowl many, many years of success.

Approved February 6, 1978

Time: 4:30 P.M.

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Act No. 9

S.J.R. 37—Vacca, Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Waldrop and Wilson

## SENATE JOINT RESOLUTION

COMMENDING MR. LESLIE STIFFLEMIRE UPON HIS RECENT RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. Leslie Stifflemire of Montgomery, Alabama, as State Director of the Alabama Legislative Board of the United Transportation Union; he is now serving in the capacity of Director Emeritus; and

WHEREAS, Leslie Stifflemire who is a native of Grove Hill, Clarke County, Alabama, was employed as fireman on the Atlanta West Point-Western Railway of Alabama in 1943 and was promoted to engineer in 1954, during which time he served on the State Safety Coordinating Committee; he joined the Brotherhood of Locomotive Firemen and Enginemen in 1943, became local legislative representative, Lodge 951, in 1945 and served continuously as an officer for thirty-two years; and

WHEREAS, through the years, Mr. Stifflemire further served as secretary-treasurer for a total of 23 years, local chairman for 10 years, general chairman for three years and state chairman of the legislative board from 1959 to the time of unification of the boards; he then served 12 years as chairman of the joint legislative board, was assistant legislative director of the United Transportation Union from 1972 until 1975, was then elected State Director serving until his retirement in September 1977; and

WHEREAS, he is a member of the Forest Park Baptist Church in Montgomery, and a member of both the Citizens' Council on Court Reform and the City Crime Prevention Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. Leslie Stifflemire of Montgomery on his long years of devoted service to his life's work and for his dedicated labors in the many offices of the Brotherhood of Locomotive Firemen and Enginemen and the United Transportation Union.

BE IT FURTHER RESOLVED, That Mr. Stifflemire receive a copy of this resolution as evidence of our high praise and also that he may know of our warm wishes for continued success in all future endeavors.

Approved February 6, 1978

Time: 4:30 P.M.

McMillan, Miller,  
 Mims, Mitchell, Noonan, Owen,  
 Pearson, Peden, Perloff, Perry,  
 Powell, Proctor, Roberts, St. John,  
 Shelby, Stewart, Teague, Vacca,  
 Waldrop and Wilson

## SENATE JOINT RESOLUTION

### MOURNING THE DEATH OF EARL CLAYTON PIPPIN.

WHEREAS, it is with utmost grief and a deep sense of loss that the Legislature of Alabama notes the death of Earl Clayton Pippin who was killed in a plane crash in Jackson, Mississippi, September 12, 1977, at the age of 55; and

WHEREAS, a native of Troy, Pike County, Alabama, he was, at the time of his death, executive vice president of Alabama Consumer Finance Association, and was a prominent Montgomery Democrat who was serving as chairman of the Montgomery County Democratic Party and was active in statewide party affairs; and

WHEREAS, further, he was eminently known for his leadership in labor and consumer affairs as a former first vice president of the Alabama Labor Council and as founder of the Southern Federation of Telephone Workers, now part of the international Communication Workers of America union; and

WHEREAS, Mr. Pippin was a former president of the Alabama Mental Health Association and served on the Bryce Mental Hospital Human Rights Committee which was appointed by Judge Frank M. Johnson, Jr.; he also was appointed to the Montgomery Biracial Committee, and served for two years as the committee's first chairman, during which time he worked closely with both school officials and members of the community earning their respect for his knowledgeability, consideration and dedication to duty; and

WHEREAS, his reputation for public service, both locally and statewide, became national in scope when he was appointed by President Lyndon Johnson, in 1969, to serve as a member of the National Commission on Consumer Finance; his death, consequently, is indeed a great loss, not only to his community and the State of Alabama, but to the nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply and grievously mourn the death of a great citizen, public servant and friend, Earl Clayton Pippin of Montgomery, Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Mrs. Louise Dickinson Pippin, and to their four

children, Clayton, Jr., Lynn, Mark and Bill, that they may know of our shared sorrow and abiding concern for them in the loss of their husband and father.

Approved February 6, 1978

Time: 4:30 P.M.

Act No. 11

S.J.R. 48—Edwards and St. John

# SENATE JOINT RESOLUTION

## MOURNING THE DEATH OF THOMAS COLEMAN PETTUS

WHEREAS, the Legislature of Alabama regretfully notes the death of Thomas Coleman Pettus of Moulton, Alabama, on August 8, 1977, in Birmingham, Alabama, at the age of 69; and

WHEREAS, Thomas Pettus, Lawrence County solicitor and district attorney for 20 years, attended Birmingham Southern College and was a graduate of Cumberland School of Law; he was a member of the Lawrence County, Alabama and American Bar Associations, a member also of the President's Committee on Employment of the Handicapped and the National Rehabilitation Association; he further served as former president of the Lawrence County Mental Health Association; and

WHEREAS, Mr. Pettus was an active participant in all phases of the American Red Cross, from chairman of the fund-raising program to chairman of the blood donation drive, and also was instrumental in establishing a clinic for alcoholics in Decatur in 1960; and

WHEREAS, he was a charter member of both the North Alabama and the Tennessee Valley Historical Associations, and was actively involved and participating member of the Moulton Methodist Church; and

WHEREAS, Thomas Pettus was a most highly respected and beloved member of his community who will be deeply missed and long remembered by his family, his many friends and associates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Thomas Coleman Pettus of Moulton, Lawrence County, Alabama; we extend our deepest sympathy to his wife, Mrs. Margaret L. Pettus, and to their two children, Thomas Coleman Pettus, III, and Gayle Pettus Burch.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the family of Mr. Pettus, that they may know of our shared sorrow in their great loss.

Approved February 6, 1978

Time: 4:30 P.M.

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Act No. 12                      S.J.R. 49—Little, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

### SENATE JOINT RESOLUTION

EXTENDING HEARTIEST BIRTHDAY WISHES TO OUR DOORKEEPER, BRUCE PEEK.

Whereas, It has been called to our attention that today, January 12, is the 72nd birthday of Mr. Bruce Peek, distinguished doorkeeper of the Senate; and

Whereas, in the past several years Mr. Peek has done an outstanding job in helping to maintain order in the halls of the Legislature; and

Whereas, we are all proud to call Bruce Peek our friend; his friendliness and kind manner have endeared him to all with whom he comes in contact; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do extend to Bruce Peek our hearty best wishes for a very happy birthday, and wish him many more years of health and happiness.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to Mr. Peek.

Approved February 6, 1978

Time: 4:30 P.M.

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Act No. 13                      S.J.R. 333—Higginbotham, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Jones, King, Little,



McDonald (A), McDonald (S),  
 McMillan, Miller, Mims, Mithcell,  
 Noonan, Owen, Pearson, Peeden,  
 Perloff, Perry, Powell, Proctor,  
 Roberts, St. John, Shelby, Stewart,  
 Teague, Vacca, Waldrop, and Wilson

## SENATE JOINT RESOLUTION

### MOURNING THE DEATH OF SENATOR HUBERT H. HUMPHREY.

WHEREAS, the Legislature of Alabama has noted with a sense of deep sorrow and regret the death of Senator Hubert H. Humphrey on January 13, 1978, in Waverly, Minnesota, at the age of 66; and

WHEREAS, few Americans ever lived who have figured so prominently for so long in the political and governmental affairs of our great nation as did Hubert H. Humphrey, five times elected to the United States Senate from the state of Minnesota, and to the office of the Vice-Presidency for four years under President Lyndon B. Johnson; and

WHEREAS, Senator Humphrey is mourned throughout our land as a true statesman, a loyal American and a friend to those oppressed, hungry and in need; and

WHEREAS, he was a man who both accepted victory and experienced defeat with the same hopes and dreams for a better tomorrow for our country and its people; he was to die undaunted in spirit, even as he lived, leaving a legacy of positiveness and optimism to those of us who would but accept his gift; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Senator Hubert H. Humphrey and extend our most heartfelt sympathy to his devoted wife and family.

BE IT FURTHER RESOLVED, That Mrs. Humphrey receive a copy of this resolution that she and their children, might know of our shared sorrow in their great loss.

Approved February 6, 1978

Time: 4:30 P.M.

## HOUSE JOINT RESOLUTION

## HONORING CORNELIUS W. LOWRY UPON HIS RETIREMENT.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. Cornelius W. Lowry after a career of more than 40 years as a representative of the press; and

WHEREAS, Mr. Lowry, who is a graduate of Birmingham-Southern College, began work in May, 1937 with the old Age-Herald where he worked for three months before joining the staff of the Birmingham News; and

WHEREAS, the last decade of his more than four decades with the News was spent in writing an Outdoors column three times a week having written at least one column a week since his association with the News; he also covered the old Birmingham Barons for 15 years, as well as golf and other sports, was a member of the copy desk for three years, and also worked on city side stories for some ten years of his career; and

WHEREAS, Cornelius W. Lowry, known to friends and acquaintances as Walton, is a resident of Mountain Brook, Alabama, and has no immediate thoughts of slowing down after his long and busy career; both hunting and fishing figure prominently in his future plans as well as the possibility of writing a book; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Cornelius W. Lowry on his outstanding career as a newspaperman; we congratulate him on his retirement and wish for him continued success in all future pursuits.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Walton Lowry that he and his two lovely daughters, and four fine sons, may know of our high praise and warm wishes for the future.

Approved February 9, 1978

Time 2:50 P.M.

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Act No. 15

H.J.R. 36—Gafford, Albright, Andrews,  
Armstrong, Baker, Barron, Biddle,  
Boles, Buskey, Callahan, Campbell,  
Carothers, Carter, Cates, Clark,  
Coburn, Cooper, Crawford, Cross,  
Crowe, Dial, Drake, Edwards,

Falkenburg, Folmar, Ford, Glass,  
 Goodwin, Greer, Gregg, Hall,  
 Harris, Harrison, Hill, Hilliard,  
 Hines, Holley, Holmes (A), Holmes  
 (D), Hopping, Howard, Jackson (F),  
 Jackson (R), Johnson, Johnstone,  
 Jolly, Kelley, Kennedy, Killian,  
 Kinsey, Lee, Leonard, Lockett, Lutz,  
 McCluskey, McCorquodale,  
 McCulley, McMillan, McNair,  
 McNeas, Manley, Martin, Merrill,  
 Mitchem, Moore (O), Moore (W),  
 Morris, Naramore, Owens, Pegues,  
 Plaster, Quarles, Reed, Rich,  
 Riddick, Roberts, Robertson,  
 Sandusky, Sasser, Shelton,  
 Shoemaker, Smith (B), Smith (C),  
 Smith (J), Smith (M), Sonnier,  
 Sparks, Starkey, Taylor, Thomas,  
 Trammell, Tucker, Turnham,  
 Venable, Waggoner, Ward,  
 Warren, Weeks, Whatley, White,  
 Williams, Wyatt, Younce.

## HOUSE JOINT RESOLUTION

### A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN

WHEREAS, Earl Pippin lived and worked among us in a manner and fashion that was of benefit to all of us; and,

WHEREAS, Earl Pippin accepted error as a condition of Life, yet strived extremely hard to prevent error; and

WHEREAS, Earl Pippin believed that nothing but courage can guide life; and, that a person who has never been in danger can hardly answer for courage; and

WHEREAS, Earl Pippin saw adversity as a source of strength, and activity as the only real road to knowledge; and,

WHEREAS, Earl Pippin believed that is not truth that makes the man great, but the man that makes truth great; and,

WHEREAS, Earl Pippin believed the best way to know God is to love his fellowman; and,

WHEREAS, Earl Pippin did not see people as big or little, rich or poor, but human beings with a promise of equal opportunity.

NOW, THEREFORE, the Alabama Senate and the Alabama

House of Representatives do hereby resolve that the memory of this good man and what he stood for shall not be forgotten and urge others of courage and conviction to emulate his humanitarian concerns and actions.

Approved February 13, 1978

Time: 1:30 P.M.

Act No. 16

H.J.R. 60—Smith (C)

### HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF MONTEVALLO ON ITS MISSIONS AND GOALS STUDY TO PROVIDE LONG-RANGE POLICY DIRECTION.

WHEREAS, the primary and historic mission of the University of Montevallo is to offer to students throughout the State an affordable, readily accessible, residential, "small college" experience of high quality designed to enable them to make a living as well as to live productive and satisfying lives; also to extend higher educational opportunities to students in the central region of the State, particularly those in Shelby County and surrounding areas; and

WHEREAS, of necessity, long-range plans must be both formulated and implemented to assure an orderly and positive approach to the continued accomplishment of the University's goals as to academic programing and expansion; and

WHEREAS, a formal Missions and Goals study was initiated at the University of Montevallo on October 12, 1977, and will continue to May 12, 1978, during which time an appointed Commission will study the mission and related goals of the University, utilizing such mechanisms as public hearings and pollings to secure needed information and suggestions; the policy recommendations will thereafter be circulated, discussed and eventually submitted to the Board of Trustees for consideration; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the University of Montevallo on its Missions and Goals study undertaken for the praiseworthy purpose of moving meaningfully in the right direction in pursuit of their goals.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to President James F. Vickrey on behalf of the University as evidence of our praise and accord with their positive

approach to meeting the needs of the youth of our great State.

Approved February 13, 1978

Time: 1:30 P.M.

Act No. 17

H.J.R. 61—Smith (C)

### HOUSE JOINT RESOLUTION

#### COMMENDING MR. J. D. "JIMMY" BELL, PROMINENT CLANTON, ALABAMA BUSINESSMAN

WHEREAS, Mr. J. D. "Jimmy" Bell, a native of Texas who was reared in Georgia, is a longtime resident of Clanton, Chilton County, Alabama, who has been successfully engaged in the hardware business for some 57 years; and

WHEREAS, prior to his moving to Clanton, Mr. Bell was associated with the Winchester Repeating Arms Company, traveling in Texas and Eastern New Mexico, and also with the Simmons Hardware Company of St. Louis for whom he traveled through the south; he moved to Clanton 42 years ago opening the Bell Hardware Company which he still owns and operates today, together with one of his two sons; and

WHEREAS, Jimmy Bell is both a Mason and a Shriner and has served as past WM with his Masonic Lodge; he further is a past member of the Kiwanis Club and is actively involved and participating member of the First Baptist Church of Clanton; and

WHERE, J.D. Bell is a sound and level-headed businessman and civic leader who continues to give to his community and area of the state a trustworthy response to their needs; he is a man of integrity who has gained respect, admiration and friendship of all those privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. J. D. "Jimmy" Bell of Clanton, Alabama on both his enviable business record and many contributions of note to his fellow citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Bell and to their two lovely daughters and two fine sons, as evidence of our admiration and esteem.

Approved February 13, 1978

Time: 1:30 P.M.

Act No. 18

H. 16—Folmar

## AN ACT

To further amend Section 11-6-2 of the Code of Alabama 1975 as last amended so as to add Pike County to the list of counties exempt from the requirement that the county engineer be a qualified land surveyor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-6-2, Code of Alabama 1975, as last amended, is hereby further amended to read as follows:

“Section 11-6-2. The person appointed as County Engineer, or Chief Engineer of the Division of Public Roads within the meaning of this act shall be a registered professional engineer and land surveyor in the State of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges, except that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, and in Cleburne, Crenshaw, Chilton, Fayette, **Pike**, Winston, Lamar, Cullman, Perry, Coffee, Clay and Walker Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in Section 5 of this act.”

**Section 2.** This act shall become effective on the date the Code of Alabama 1975 goes into effect and is operative or upon its otherwise becoming a law, whichever event is later.

Approved February 13, 1978

Time: 1:30 P.M.

Act No. 19

H. 227—Manley, Pegues

## AN ACT

Relating to Marengo County; providing further for the Sheriff's Department in said county; providing further for the composition and compensation of deputies and other personnel.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The composition of the Sheriff's Department of Marengo County shall include no less than five deputies and one Chief Deputy; and any increase in deputy personnel must be approved by the Marengo County Commission.

**Section 2.** The deputies shall receive the same compensation

as a trooper with the Alabama Department of Public Safety. These deputies shall be placed in the same step bracket as a trooper with the same length of service and shall automatically receive step raises according to their length of service. It shall be the responsibility of the Sheriff to provide the Clerk of the County Commission with a trooper pay scale chart and to keep the Commission informed as to changes.

**Section 3.** The Chief Deputy shall receive \$75 per month more than the highest-paid deputy.

**Section 4.** The composition and compensation of the clerical staff and jail personnel shall be approved by the Marengo County Commission.

**Section 5.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 13, 1978

Time: 1:30 P.M.

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Act No. 20

H. 228—Manley, Pegues

## AN ACT

Relating to Marengo County; amending Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, vol. 1, p. 731), which section relates to the wages of inmates on the county work release program, so as to bring the deduction for costs incident to the inmate's confinement in line with Act No. 637, H. 53 of the 1976 Regular Session (Acts 1976, Vol. II, p. 883).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4 of Act No. 547, H. 1272 of the 1977 Regular Session (Acts 1977, Vol. 1, p. 731) is hereby amended as follows:

“Section 4. Wages. The employer of an inmate involved in work release shall pay the inmate's wages direct to the board. The board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The board shall be authorized to withhold from the inmate's earnings, 25% of his or her gross earnings to pay such cost incident to the inmate's confinement as the board shall deem appropriate. The

board may adopt policies to allow such monies to be spent for law enforcement and operation of the jail exclusively. After 25% has been deducted from the inmate's gross pay the remainder of the inmate's earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The board may elect, however, to turn the remaining 75% of the inmate's earnings over to his family to be used by them in their support while the inmate is confined, provided the inmate gives written consent to this procedure prior to the inmate's release into the work program."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 13, 1978

Time: 1:30 P.M.

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Act No. 21

H. 82—Holley

### AN ACT

To regulate further the compensation of the district attorney of the 12th judicial circuit; providing for a supplement to the salary of such district attorney payable by the counties composing the circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The salary of the district attorney of the 12th judicial circuit in this state, shall be supplemented by the counties composing said circuit. Such supplement shall be in the sum of seven thousand dollars (\$7,000) per annum, and shall be paid in lieu of all supplements heretofore provided by law for such district attorney, and shall be payable by the counties composing the circuit, share and share alike, in equal monthly installments, on requisitions of the district attorney.

**Section 2.** All laws or parts of laws which conflict with this Act are repealed

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on February 17, 1978 without approval by the Governor.

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Act No. 22

H.J.R. 10—Smith (B), Albright, Riddick, Gregg,  
Moore (W), Lutz



## HOUSE JOINT RESOLUTION

COMMENDING ALABAMA A & M UNIVERSITY ON WINNING THE NATIONAL NCAA DIVISION II SOCCER CHAMPIONSHIP.

WHEREAS, in a hard-fought battle on the campus of Florida International University in Miami, the Alabama A & M University soccer team was victorious in their bid against Seattle Pacific University for the National NCAA Division II Soccer Championship; and

WHEREAS, this prestigious capture of the national crown was the culmination of an outstanding regular season with a win loss record of 19-1, bowing only to George Washington University, Washington, D. C.; and

WHEREAS, the A & M champions were led to victory by Coach Salah Yousif and his assistant student coach, Donald Patton; William Aboko-Cole is soccer Information Director for the A & M team, Kedrick Kyles is trainer and Joseph Henderson is the university's Athletic Director; and

WHEREAS, champion team members are: Maurice Blair, James Dyer, Anyas Ejomole, Tyrone Flood, Charles Foley, Fekadu Folle, Patrick Ikem, Collins Imoh, Michael Latty, Obi Emnike, Cletud Nwawolo, Kenneth Okafor, Sylvester Onwuekwe, Derrick Plummer, Allan Richardson, James Udemba, Chudi Umenyili and Luke Whitley; each to be congratulated for his invaluable contribution in securing the team's national title and thereby winning the admiration of both Alabama and the entire conference; nor therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Alabama A & M University soccer team on an outstanding season and on winning the NCAA National Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the university for appropriate display and a copy to Coach Yousif on behalf of the entire team.

Approved February 23, 1978

Time: 4:00 P.M.

HONORING MR. W. R. BRYAN, KEYNOTE SPEAKER,  
AUBURN LIONS CLUB 50th ANNIVERSARY  
CELEBRATION.

WHEREAS, the Legislature of Alabama notes that the Lions Club of Auburn, Alabama, is celebrating its 50th Anniversary with a reception and banquet on January 31, 1978; and

WHEREAS, as keynote speaker, Mr. W. R. "Dick" Bryan of Doylestown, Ohio, will address the club on this momentous occasion; and

WHEREAS, Mr. Bryan, who is an executive in public relations for the Goodyear Corporation, also served as president of Lions Club International in 1969 and 1970; and

WHEREAS, Dick Bryan, through the years, has been a loyal friend of Alabama Lions, having visited and spoken in our state a number of times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. W. R. "Dick" Bryan for his years of devoted and dedicated labors in furthering the many worthwhile projects and programs of Lions International; we heartily welcome him to Alabama and direct that he be presented with a copy of this resolution as a token of our appreciation and esteem.

Approved February 23, 1978

Time: 4:00 P.M.

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Act No. 24

H.J.R. 85—Callahan

HOUSE JOINT RESOLUTION

URGING ALABAMA'S UNITED STATES SENATORS TO  
OPPOSE THE PANAMA CANAL TREATIES.

WHEREAS, on September 7, 1977, President Jimmy Carter of the United States of America and Brigadier General Omar Torrijos Herrera of the Republic of Panama signed two treaties relating to the Panama Canal Zone; and

WHEREAS, these treaties provide for the complete relinquishment of American control of the Panama Canal Zone by the year 2000; and

WHEREAS, these treaties will place the Canal Zone under general Panamanian jurisdiction six months after the instruments of ratification are exchanged; and

WHEREAS, the Hay-Bunau-Varilla Treaty in 1903 provided that the United States would have perpetual possession, use and control of the Canal just as if "it were the sovereign of the territory"; and

WHEREAS, as one of the most strategic man-made waterways in the world, the Panama Canal is a vital link in the defense of the United States and the Western Hemisphere; and

WHEREAS, \$387,000,000 was spent and American lives were lost in constructing the Canal; and

WHEREAS, the United States' net investment in the Panama Canal operation is over \$5,000,000,000; and

WHEREAS, the free flow of the commerce of the United States and other nations depends on the Panama Canal being open and properly operated; and

WHEREAS, 14 United States military bases are located within the Canal zone; and

WHEREAS, the continued, rightful control by the United States over the Panama Canal is needed to maintain the peace and security of the Canal Zone, which is located in a politically unstable part of the world; and

WHEREAS, two-thirds of the members of the United States Senate must consent to these treaties before they can be effective; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge our Democratic Senators to provide their leadership in opposition to the Panama Canal treaties.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the United States Senators from Alabama, the Honorable John Sparkman and the Honorable Jim Allen, and to the Secretary of the United States Senate.

Approved February 23, 1978

Time: 4:00 P.M.

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Act No. 25

H.J.R. 422—Sandusky

### HOUSE JOINT RESOLUTION

Recognizing Dr. Mel Lucas upon the Proclamation of Mel Lucas Day.

Whereas, February 28, 1978 has been proclaimed Mel Lucas

Day in the City of Mobile by the Honorable Mayor Lambert C. Mims, and on the campus of the University of South Alabama by the Student Senate, and

Whereas, Dr. Lucas did graduate and under-graduate work in Tennessee and Alabama, and received his Doctorate from George Peabody College, and

Whereas, Dr. Lucas is a member of the original faculty at the University of South Alabama, and

Whereas, Dr. Lucas did in his first year field and coach a baseball team at the University, and

Whereas, Dr. Lucas has been instrumental in developing a progressive Athletics program at the University of South Alabama, including directing the University into membership in the NCAA's Division 1, and

Whereas, Dr. Lucas was instrumental in organization of the Sun Belt Conference, and

Whereas, Dr. Lucas has been an active member of the Mobile Community by service as Vice President of the Mobile Jaycees, President of the Alabama Deep Sea Fishing Rodeo, Host Parent to America's Junior Miss Pageant, campaign chairman for the March of Dimes, the Mobile Touchdown Club and the Chamber of Commerce, and

Whereas, Dr. Lucas is a member of the National Association of College Athletic Directors, the City of Mobile's Commission for Recreation, The Governor's Committee for Physical Education, and an advisor and director of state and local Special Olympics Programs,

Therefore, be it resolved by the Legislature of the State of Alabama, both Houses thereof concurring; that we both recognize and congratulate Dr. Mel Lucas for his works and achievements upon this day of recognition,

Be it further resolved that a copy of this resolution be forwarded to Dr. Lucas and Dr. Frederick P. Whidon, President of the University of South Alabama.

Approved March 2, 1978

Time: 3:00 P.M.

PROVIDING FOR THE TERMINATION OF THE  
GOVERNOR'S NATURAL RESOURCES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Natural Resources Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Natural Resources Commission, the committee voted on November 30, 1977, to recommend termination of the Governor's Natural Resources Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Natural Resources Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 124 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 27

H.J.R. 116—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE  
ETOWAH COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Etowah County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Etowah County-Big Willis Watershed, the committee voted to recommend termination of the Etowah County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Etowah County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular

Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 28

H.J.R. 117—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE FIRE ANT STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire Ant Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire Ant Study Committee, the committee voted to recommend termination of the Fire Ant Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire Ant Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 29

H.J.R. 131—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE SOVEREIGNTY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sovereignty Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sovereignty Commission, the committee

voted to recommend termination of the Sovereignty Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sovereignty Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act. No. 30

H.J.R. 149—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE TASK FORCE ON ENVIRONMENTAL STUDY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Task Force on Environmental Study; and

WHEREAS, following a review and evaluation relative to the continued existence of the Task Force on Environmental Study, the Committee voted to recommend termination of the Task Force on Environmental Study; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Task Force on Environmental Study, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 31

H.J.R. 151—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE TENNESSEE-MULBERRY WATERWAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Mulberry Waterway Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Mulberry Waterway Commission, the committee voted on November 29, 1977, to recommend termination of the Tennessee-Mulberry Waterway Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Mulberry Waterway Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 32

H.J.R. 186—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE JUVENILE CORRECTIONAL STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Juvenile Correctional Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Juvenile Correctional Study Committee, the committee voted to recommend termination of the Juvenile Correctional Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Juvenile Correctional Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.



Act No. 33

H.J.R. 194—Sunset Committee

## HOUSE JOINT RESOLUTION

## PROVIDING FOR THE TERMINATION OF THE LOST CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lost Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lost Creek Watershed, the committee voted to recommend termination of the Lost Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lost Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 34

H.J.R. 215—Sunset Committee

## HOUSE JOINT RESOLUTION

## PROVIDING FOR THE TERMINATION OF THE ADVISORY COMMITTEE FOR INDIGENT MEDICAL CARE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee for Indigent Medical Care; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee for Indigent Medical Care, the committee voted on November 29, 1977, to recommend termination of the Advisory Committee for Indigent Care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

the Advisory Committee for Indigent Medical Care, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 35

H.J.R. 224—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE ALABAMA AVIATION EXHIBIT COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Aviation Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Aviation Exhibit Commission, the committee voted to recommend termination of the Alabama Aviation Exhibit Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Aviation Exhibit Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 36

H.J.R. 228—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE ALABAMA CONSTITUTIONAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Alabama Constitutional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Constitutional Commission, the committee voted to recommend termination of the Alabama Constitutional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Constitutional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 37

H.J.R. 243—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE TERMINATION OF THE ALABAMA RIVER DEVELOPMENT AUTHORITY

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama River Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama River Development Authority, the committee voted to recommend termination of the Alabama River Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama River Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 38

H.J.R. 110—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. DRAKE STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of J. F. Drake State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Drake State Technical College, the committee voted to recommend the continued existence of J. F. Drake State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Drake State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 39

H.J. R. 111—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATION STUDY COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Education Study Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Education Study Commission, the committee voted on November 29, 1977, to recommend the continued existence of the Education Study Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Education Study Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 40

H.J.R. 112—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE EDUCATIONAL TELEVISION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Educational Television Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Educational Television Commission, the committee voted to recommend the continued existence of the Educational Television Commission; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Educational Television Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 41

H.J.R. 113—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ELK RIVER DEVELOPMENT AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Elk River Development Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Elk River Development Agency, the committee voted to recommend the continued existence of the Elk River Development Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Elk River Development Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session,

be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 42

H.J.R. 114—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE EMPLOYEES INSURANCE BOARD.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Employees Insurance Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Employees Insurance Board, the committee voted to recommend the continued existence of the Employees Insurance Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Employees Insurance Board, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 43

H.J.R. 115—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENTERPRISE STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Enterprise State Junior College; and

WHEREAS, following a review and evaluation relative to the

continued existence of the Enterprise State Junior College, the committee voted to recommend the continued existence of the Enterprise State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Enterprise State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 44

H.J.R. 118—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIRE COLLEGE (DEPARTMENT AND ADVISORY COMMITTEE).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fire College (Department and Advisory Committee); and

WHEREAS, following a review and evaluation relative to the continued existence of the Fire College (Department and Advisory Committee), the committee voted to recommend the continued existence of the Fire College (Department and Advisory Committee); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fire College (Department and Advisory Committee), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 45

H.J.R. 119—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE FISHING REEF SHIP COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Fishing Reef Ship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Fishing Reef Ship Commission, the committee voted to recommend the continued existence of the Fishing Reef Ship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fishing Reef Ship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 46

H.J.R. 120—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
ED E. REID STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Ed. E. Reid State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Ed. E. Reid State Technical College, the committee voted to recommend the continued existence of Ed. E. Reid State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Ed. D. Reid State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.



Act No. 47

H.J.R. 121—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE RETIREMENT SYSTEMS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Retirement Systems; and

WHEREAS, following a review and evaluation relative to the continued existence of the Retirement Systems, the committee voted on November 29, 1977, to recommend the continued existence of the Retirement Systems; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Retirement Systems, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Seciton 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 48

H.J.R. 122—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE REVENUE DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Revenue Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Revenue Department, the committee voted on November 29, 1977, to recommend the continued existence of the Revenue Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Revenue Department, pursuant to the terms of the "Alabama

Sunset Law of 1976," Act No 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 49

H.J.R. 123—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF RICHMOND P. HOBSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Richmond P. Hobson Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Richmond P. Hobson State Technical College, the committee voted to recommend the continued existence of Richmond P. Hobson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Richmond P. Hobson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 50

H.J.R. 125—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF SHELTON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Shelton State Technical College; and

WHEREAS, following a review and evaluation relative to the

continued existence of Shelton State Technical College, the committee voted to recommend the continued existence of Shelton State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Shelton State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 51

H.J.R. 126—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF SNEAD STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Snead State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Snead Junior College, the committee voted to recommend the continued existence of Snead State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Snead State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 52

H.J.R. 127—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOCIAL SECURITY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Social Security Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Social Security Board, the committee voted on November 29, 1977, to recommend the continued existence of the Social Security Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Social Security Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 53

H.J.R. 128—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN INTERSTATE NUCLEAR BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Interstate Nuclear Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Southern Interstate Nuclear Board, the committee voted on November 29, 1977, to recommend the continued existence of the Southern Interstate Nuclear Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Southern Interstate Nuclear Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No 54

H.J.R. 129—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHERN UNION STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Southern Union State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southern Union State Junior College, the committee voted to recommend the continued existence of Southern Union State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southern Union State Junior College, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 55

H.J.R. 130—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF SOUTHWEST STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Southwest Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Southwest State Technical College, the committee voted to recommend the continued existence of Southwest State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Southwest State Technical College, pursuant to the terms of the

“Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 56

H.J.R. 132—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPACE SCIENCE EXHIBIT COMMITTEE.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Space Science Exhibit Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Space Science Exhibit Committee, the committee voted to recommend the continued existence of the Space Science Exhibit Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Space Science Exhibit Committee, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 57

H.J.R. 133—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SPORTS HALL OF FAME BOARD.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sports Hall of Fame Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sports Hall of Fame Board, the committee voted to recommend the continued existence of the Sports Hall of Fame Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sports Hall of Fame Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 58

H.J.R. 134—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF ADJUSTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Adjustment; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Adjustment, the committee voted to recommend the continued existence of the State Board of Adjustment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Adjustment, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 59

H.J.R. 136—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE CAPITOL PRESERVATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Capitol Preservation Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Capitol Preservation Commission, the committee voted to recommend the continued existence of the State Capitol Preservation Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Capitol Preservation Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 60

H.J.R. 137—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE COMMISSION ON PHYSICAL FITNESS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Commission on Physical Fitness; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Commission on Physical Fitness, the committee voted to recommend the continued existence of the State Commission on Physical Fitness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Commission on Physical Fitness, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.



Act No. 61

H.J.R. 138—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FAIR AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Fair Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Fair Authority, the committee voted to recommend the continued existence of the State Fair Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Fair Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 62

H.J.R. 139—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE FINANCE DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Finance Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Finance Department, the committee voted to recommend the continued existence of the State Finance Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Finance Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session,

be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 63

H.J.R. 140—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE MANPOWER PLANNING.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Manpower Planning; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Manpower Planning, the committee voted to recommend the continued existence of the State Manpower Planning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Manpower Planning, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 64

H.J.R. 141—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PERSONNEL BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Personnel Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Personnel Board, the committee

voted on November 29, 1977, to recommend the continued existence of the State Personnel Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 65

H.J.R. 142—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE RECORDS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Records Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Records Commission, the committee voted to recommend the continued existence of the State Records Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 66

H.J.R. 143—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE SOIL AND WATER CONSERVATION COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Soil and Water Conservation Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Soil and Water Conservation Committee, the committee voted to recommend the continued existence of the State Soil and Water Conservation Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Soil and Water Conservation Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 67

H.J.R. 144—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TENURE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Tenure Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Tenure Commission, the committee voted to recommend the continued existence of the State Tenure Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Tenure Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 68

H.J.R. 145—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STONEWALL JACKSON MEMORIAL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Stonewall Jackson Memorial; and

WHEREAS, following a review and evaluation relative to the continued existence of the Stonewall Jackson Memorial, the committee voted to recommend the continued existence of the Stonewall Jackson Memorial; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Stonewall Jackson Memorial, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 69

H.J.R. 146—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SYLACAUGA NURSES TRAINING SCHOOL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Sylacauga Nurses Training School; and

WHEREAS, following a review and evaluation relative to the continued existence of the Sylacauga Nurses Training School, the committee voted to recommend the continued existence of the Sylacauga Nurses Training School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sylacauga Nurses Training School pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 70

H.J.R. 147—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLACOOSA HIGHLAND LAKE ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tallacoosa Highland Lake Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tallacoosa Highland Lake Association, the committee voted to recommend the continued existence of the Tallacoosa Highland Lake Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tallacoosa Highland Lake Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 71

H.J.R. 148—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE TANNEHILL FURNACE & FOUNDRY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tannehill Furnace & Foundry Commission; and

WHEREAS, following a review and evaluation relative to the

continued existence of the Tannehill Furnace & Foundry Commission, the committee voted on November 29, 1977, to recommend the continued existence of the Tannehill Furnace & Foundry Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tannehill Furnace & Foundry Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 72

H.J.R. 150—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE TECHNICAL COLLEGE DIVISION (DEPARTMENT OF EDUCATION).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Technical College Division (Department of Education); and

WHEREAS, following a review and evaluation relative to the continued existence of the Technical College Division (Department of Education), the committee voted to recommend the continued existence of the Technical College Division (Department of Education); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Technical College Division (Department of Education), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 73

H.J.R. 152—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE TENNESSEE-TOMBIGBEE WATER DEVELOPMENT AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tennessee-Tombigbee Water Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tennessee-Tombigbee Water Development Authority, the committee voted to recommend the continued existence of the Tennessee-Tombigbee Water Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tennessee-Tombigbee Water Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 74

H.J.R. 153—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE TERRAPIN CREEK WATERSHED CONSERVANCY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Terrapin Creek Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Terrapin Creek Watershed Conservancy, the committee voted to recommend the continued existence of the Terrapin Creek Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Terrapin Creek Watershed Company, pursuant to the terms of



the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 75

H.J.R. 154—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE TRI-RIVERS WATERWAY DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tri-Rivers Waterway Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tri-Rivers Waterway Development Authority, the committee voted to recommend the continued existence of the Tri-Rivers Waterway Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tri-Rivers Waterway Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 76

H.J.R. 155—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF TROY STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of Troy State University; and

WHEREAS, following a review and evaluation relative to the continued existence of Troy State University, the committee voted to recommend the continued existence of Troy State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Troy State University, Pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 77

H.J.R. 156—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF TUSCALOOSA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Tuscaloosa State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Tuscaloosa State Technical College, the committee voted to recommend the continued existence of Tuscaloosa State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tuscaloosa State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 78

H.J.R. 157—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE TUSKEGEE INSTITUTE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tuskegee Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tuskegee Institute, the committee voted to recommend the continued existence of the Tuskegee Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tuskegee Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 79

H.J.R. 158—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA SYSTEM.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Alabama System; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Alabama System, the committee voted to recommend the continued existence of the University of Alabama System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 80

H.J.R. 159—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF MONTEVALLO.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Montevallo; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Montevallo, the committee voted to recommend the continued existence of the University of Montevallo; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Montevallo, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 81

H.J.R. 160—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF NORTH ALABAMA.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of North Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of North Alabama, the committee voted to recommend the continued existence of the University of North Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of North Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session,

be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 82

H.J.R. 161—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE U.S.S. BATTLESHIP COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the U.S.S. Battleship Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the U.S.S. Battleship Commission, the committee voted to recommend the continued existence of the U.S.S. Battleship Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the U.S.S. Battleship Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 83

H.J.R. 162—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE VETERANS DAY PROMOTION IN ALABAMA, BIRMINGHAM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Veterans Day Promotion in Alabama, Birmingham; and

WHEREAS, following a review and evaluation relative to the

continued existence of the Veterans Day Promotion in Alabama, Birmingham, the committee voted to recommend the continued existence of the Veterans Day Promotion in Alabama, Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Veterans Day Promotion in Alabama, Birmingham, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 84

H.J.R. 163—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker College, the committee voted to recommend the continued existence of Walker College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 85

H.J.R. 164—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF WALKER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Walker State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Walker State Technical College, the committee voted to recommend the continued existence of Walker State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Walker State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 86

H.J.R. 165—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GADSDEN STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gadsden State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Gadsden State Junior College, the committee voted to recommend the continued existence of the Gadsden State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gadsden State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 87

H.J.R. 166—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
GADSDEN STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Gadsden State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Gadsden State Technical College, the committee voted to recommend the continued existence of Gadsden State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Gadsden State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 88

H.J.R. 167—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE GEOLOGICAL SURVEY OF ALABAMA.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Geological Survey of Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the Geological Survey of Alabama, the committee voted on November 29, 1977, to recommend the continued existence of the Geological Survey of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Geological Survey of Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.



Act No. 89

H.J.R. 168—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (DOTHAN).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Dothan); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Dothan), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Dothan); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Dothan), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 90

H.J.R. 169—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (HANCEVILLE).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Hanceville); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Hanceville), the committee voted to recommend the continued existence of the George C. Wallace State Community College (Hanceville); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Hanceville), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 91

H.J.R. 170—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GEORGE C. WALLACE STATE COMMUNITY COLLEGE (SELMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the George C. Wallace State Community College (Selma); and

WHEREAS, following a review and evaluation relative to the continued existence of the George C. Wallace State Community College (Selma), the community voted to recommend the continued existence of the George C. Wallace State Community College (Selma); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the George C. Wallace State Community College (Selma), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 92

H.J.R. 171—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GORGAS MEMORIAL (UNIVERSITY OF ALABAMA).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for

therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gorgas Memorial (University of Alabama); and

WHEREAS, following a review and evaluation relative to the continued existence of the Gorgas Memorial (University of Alabama), the committee voted to recommend the continued existence of the Gorgas Memorial (University of Alabama); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gorgas Memorial (University of Alabama), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 93

H.J.R. 172—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COMMITTEE ON STATE REORGANIZATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Committee on State Reorganization; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Committee on State Reorganization, the committee voted to recommend the continued existence of the Governor's Committee on State Reorganization; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Committee on State Reorganization, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

Act No. 94

H.J.R. 173—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S MANSION ADVISORY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Mansion Advisory Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Mansion Advisory Board, the committee voted to recommend the continued existence of the Governor's Mansion Advisory Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Mansion Advisory Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 95

H.J.R. 174—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF HANK WILLIAMS MEMORIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Hank Williams Memorial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Hank Williams Memorial Commission, the committee voted to recommend the continued existence of the Hank Williams Memorial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Hank Williams Memorial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 3, 1978 without approval by the Governor.

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Act No. 96

H. 431—Hill, Greer, Coburn

## AN ACT

To authorize any town or city in the State of Alabama to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect any building, structure, land, leasehold estate, interest in land, right of way, equipment or instrumentality used or useful in connection with construction, equipping, development, maintenance or operation of any area or building for off-street parking of motor vehicles (defined as parking facilities), to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body of the town or city may determine, not exceeding thirty years from their respective dates; to pledge to the payment thereof its full faith and credit and any tax, license or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; to lease or let parking facilities or any one or more of them to such tenant or tenants for such periods and for such periods and for such compensation or rental and on such conditions as the governing body of the town or city may prescribe; to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; to make and enforce rules and regulations governing the use of any parking facilities owned or operated by the town or city and to execute such contracts and other instruments and to take such other action as the governing body of the town or city may deem necessary or convenient in connection with parking facilities.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Definitions.** Unless the context plainly indicates otherwise, the following words and terms shall have the following meanings herein ascribed to them:

“Governing Body” means the body in which the general legislative power of a town or city is vested; and “parking facility” means any building, structure, land, leasehold estate, interest in land, right of way, equipment or facility used or useful in connection with the construction, enlargement, development, maintenance or operation of any area or building for off-street parking of motor vehicles.

**Section 2. Authority of towns and cities with respect to parking facilities.** Any town or city in this state is hereby authorized: (1) to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities; (2) to finance the cost of parking facilities in whole or in part by the issuance of bonds, warrants, notes or other evidences of indebtedness maturing at such time or times as the Governing Body may determine, not exceeding thirty years from their respective dates; (3) to pledge to the payment thereof its full

faith and credit and any taxes, licenses or revenues which the town or city may then be authorized to pledge to the payment of bonded or other indebtedness; (4) to lease or let parking facilities or any one or more of them to such tenant or tenants, for such period and such compensation or rental and on such conditions as the Governing Body may prescribe; (5) to fix, establish, collect and alter parking fees, tolls, rents and other charges for the use of any parking facility; (6) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by a town or city, and (7) to execute such contracts and other instruments and to take such other action as may be necessary or convenient in connection with parking facilities.

**Section 3. Provisions Cumulative.** The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with the provisions of this Act.

**Section 4. Severability Clause.** In the event any section, sentence, clause or portion of this Act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act which shall continue to be effective.

**Section 5. Effective date.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 9, 1978

Time: 3:45 P.M.

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Act No. 97

S. 204—Owen, Mims, Proctor, Teague,  
Stewart, Little, Waldrop, Gilmore,  
Powell, Mitchell, Higginbotham,  
Miller, Adams, Ellis, McMillan,  
Clemon, Perry and Bank

To make an appropriation out of the State general fund to the Alabama Forestry Commission to pay salary increases granted personnel by the Legislature.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The sum of \$500,000 is hereby appropriated from the general fund in the State Treasury to the Alabama Forestry Commission for the purpose of paying salaries to employees who were granted increases by the passage of Act No. 600, H. 1134, 1977 Regular Session (1977 Acts, P. 805), and Act No. 601, H. 487, 1977 Regular Session (1977 Acts, P. 806).

**Section 2.** The provisions of this Act are severable. If any part

of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 9, 1978

Time: 4:15 P.M.

Act No. 98

S.J.R. 143—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE  
DEKALB COUNTY-BIG WILLIS WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the DeKalb County-Big Willis Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the DeKalb County-Big Willis Watershed, the committee voted to recommend termination of the DeKalb County-Big Willis Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the DeKalb County-Big Willis Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 99

S.J.R. 288—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALEXANDER CITY STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of the Alexander City State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alexander City State Junior College, the committee voted to recommend the continued existence of the Alexander City State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alexander City Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 100

S.J.R. 289—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE AMERAPORT DEEP-DRAFT HARBOR AND TERMINAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission, the committee voted to recommend the continued existence of the Ameraport Deep-Draft Harbor and Terminal Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ameraport Deep-Draft Harbor and Terminal Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 101

S.J.R. 290—Sunset Committee

### SENATE JOINT RESOLUTION



**PROVIDING FOR THE CONTINUED EXISTENCE OF THE APPALACHIAN REGIONAL COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Appalachian Regional Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Appalachian Regional Commission, the committee voted to recommend the continued existence of the Appalachian Regional Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Appalachian Regional Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 102

S.J.R. 291—Sunset Committee

**SENATE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARCHEOLOGICAL ADVISORY COUNCIL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Archeological Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Archeological Advisory Council, the committee voted to recommend the continued existence of the Archeological Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Archeological Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 103

S.J.R. 292—Sunset Committee

## SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ARMED FORCES DAY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Armed Forces Day Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Armed Forces Day Commission, the committee voted to recommend the continued existence of the Armed Forces Day Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Armed Forces Day Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 104

S.J.R. 293—Sunset Committee

## SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ATHENS STATE COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Athens State College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Athens State College, the committee voted on November 29, 1977, to recommend the continued existence of the Athens State College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Athens State College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 105

S.J.R. 294—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
ATMORE STATE TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Atmore State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Atmore State Technical Institute, the committee voted to recommend the continued existence of Atmore State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Atmore State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 106

S.J.R. 295—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE AUBURN UNIVERSITY SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Auburn University System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Auburn University System, the committee voted to recommend the continued existence of the Auburn University System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Auburn University System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 107

S.J.R. 296—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAR CREEK DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bear Creek Development Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bear Creek Development Authority, the committee voted to recommend the continued existence of the Bear Creek Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bear Creek Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 108

S.J.R. 297—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BEAUTIFICATION BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Beautification Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Beautification Board, the committee voted to recommend the continued existence of the Beautification Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Beautification Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 109

S.J.R. 298—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF BESSEMER STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Bessemer State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Bessemer State Technical College, the committee voted to recommend the continued existence of Bessemer State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bessemer State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 110

S.J.R. 299—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE BICENTENNIAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bicentennial Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bicentennial Commission, the committee voted on November 29, 1977, to recommend termination of the Bicentennial Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bicentennial Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 111

S.J.R. 300—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BIG NANCE WATERSHED CONSERVANCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Big Nance Watershed Conservancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Big Nance Watershed Conservancy, the committee voted to recommend the continued existence of the Big Nance Watershed Conservancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Big Nance Watershed Conservancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 112

S.J.R. 301—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BIRMINGHAM FESTIVAL OF ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Festival of Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Festival of Arts, the committee voted to recommend the continued existence of the Birmingham Festival of Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Festival of Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 113

S.J.R. 302—Sunset Committee

SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BIRMINGHAM TRAINING CENTER FOR BRAIN  
INJURED CHILDREN.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Birmingham Training Center for Brain Injured Children; and

WHEREAS, following a review and evaluation relative to the continued existence of the Birmingham Training Center for Brain Injured Children, the committee voted to recommend the continued existence of the Birmingham Training Center for Brain Injured Children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Training Center for Brain Injured Children, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 114

S.J.R. 303—Sunset Committee

SENATE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BISHOP STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bishop State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bishop State Junior College, the committee voted to recommend the continued existence of the Bishop State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bishop State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

Act No. 115

S.J.R. 323—Sunset Committee

SENATE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE COMMISSION TO PRESERVE THE PEACE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission to Preserve the Peace; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission to Preserve the Peace, the committee voted to recommend termination of the Commission to Preserve the Peace; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission to Preserve the Peace, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 116

S.J.R. 326—Sunset Committee

### SENATE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE COMMITTEE TO SURVEY LIVING CONDITIONS IN STATE INSTITUTIONS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Committee to Survey Living Conditions in State Institutions; and

WHEREAS, following a review and evaluation relative to the continued existence of the Committee to Survey Living Conditions in State Institutions, the committee voted to recommend termination of the Committee to Survey Living Conditions in State Institutions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Committee to Survey Living Conditions in State Institutions, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 8, 1978 without approval by the Governor.

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Act No. 117

S.J.R. 356—Gilmore, Pearson, Fine, Vacca,  
Wilson, Clemon, Ellis, Noonan,  
McMillan and Little

### SENATE JOINT RESOLUTION

WHEREAS Dr. George W. Campbell, a native of Dadeville,

Alabama, joined the University of Alabama faculty in 1939 as a part-time instructor with the Birmingham Extension Center, and

WHEREAS from 1941 to 1944 he was assistant director and director of the War Training Program in Birmingham and Tuscaloosa, and

WHEREAS from 1946 to 1949 he served as assistant director of the Birmingham Extension Center of the University of Alabama, and

WHEREAS from 1949 to 1953 he served as director of the Huntsville Extension Center of the University of Alabama, which was the antecedent of the University of Alabama in Huntsville, and

WHEREAS from 1953 to 1958 he served as director of the Mobile Extension Center of the University of Alabama, the antecedent of the University of South Alabama, and

WHEREAS from 1958 to 1966 he served as director of the Birmingham Extension Center and as associate dean of the Extension Division of the University of Alabama, and

WHEREAS from 1966 to 1971 he served as the dean of the College of General Studies of the University of Alabama in Birmingham, and

WHEREAS beginning in 1971 to the present date he has served as the vice president for University College, except for the period from June, 1976 to February, 1977, during which time he served as acting chief executive officer of the University of Alabama in Birmingham, and

WHEREAS the Board of Trustees of the University of Alabama wishes to recognize and honor Dr. George W. Campbell for the many years of devoted service and distinguished leadership he has given to the University of Alabama System, to the people of this state, and especially to the thousands of students who have matriculated at the University College of the University of Alabama in Birmingham, by naming the Life Science and Student Services Building at the University of Alabama in Birmingham in his honor;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the new Life Science and Student Services Building at the University of Alabama in Birmingham be named in honor of Dr. George W. Campbell.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Dr. Campbell.

Approved March 6, 1978

Time: 4:00 P.M.

Act No. 118

S.J.R. 29—Higginbotham and McMillan

## SENATE JOINT RESOLUTION

COMMENDING MICHAEL MILLS OF OPELIKA FOR  
OUTSTANDING ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with pride and great pleasure that Michael Mills of Opelika, Alabama, is currently serving as president of Key Club International, having been elected in Kansas City, Missouri, during the annual convention of this 80,000-member organization; and

WHEREAS, Michael also was presented both the Key Club President's Award, an honor given to the most outstanding Key Club International Board of Trustees for his performance during the past year, and the Governor's Award for his notable service on the Alabama District Board; and

WHEREAS, during his years of active participation in this fine organization of high school boys dedicated to good citizenship and service to others, Michael, who is a senior at Opelika High School, has served previously as vice-president of his local Key Club and has attended two international conventions, four district conventions, 12 divisional meetings, four district board meetings, and was Alabama District Convention Coordinator in 1976; and

WHEREAS, the many and varied activities of this fine young man extend further to include active membership in the Opelika Baptist Church, participation in both the football and track programs of his school, membership on the student council and on his school's newspaper staff as assistant editor; and

WHEREAS, as president of Key Club International, Michael will serve throughout this 1977-78 administrative year, heading the club's Board of Trustees, establishing various programs and presiding at the next annual convention in Miami Beach, Florida; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Michael Mills, President of Key Club International; we commend him most highly for outstanding achievement, and direct that copies of this resolution be sent to both Michael and to his justifiably proud parents, Mr. and Mrs. Billy R. Mills of Opelika, Alabama.

Approved March 6, 1978

Time: 4:00 P.M.

Act No. 119

S.J.R. 366—Noonan, Owen, Perloff, Roberts,  
Vacca

SENATE JOINT RESOLUTION

URGING THE APPOINTMENT OF MRS. ANN CALAGAZ  
TO THE NATIONAL HIGHWAY SAFETY ADVISORY  
COMMITTEE.

WHEREAS, Mrs. Ann Calagaz has made outstanding  
contributions to the State of Alabama in the areas of bicycle and  
highway safety; and

WHEREAS, Mrs. Calagaz has received both Mobile and  
Alabama Physical Fitness Leadership Awards for her work in  
bicycling; and

WHEREAS, Mrs. Calagaz serves on the Governor's Highway  
and Traffic Safety Advisory Committee; and

WHEREAS, Mrs. Calagaz has represented our state both  
regionally and nationally at conferences on bicycle and highway  
safety;

NOW THEREFORE BE IT RESOLVED BY THE  
LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF  
CONCURRING, That this body does hereby endorse the  
nomination of Mrs. Ann Calagaz and recommends her appointment  
by the President of the United States of America to the National  
Highway Safety Advisory Committee.

BE IT FURTHER RESOLVED, That a copy of this resolution  
be sent to President Jimmy Carter and to Mrs. Ann Calagaz.

Approved March 6, 1978

Time: 4:00 P.M.

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Act No. 120     S.J.R. 368—Vacca, Adams, Baker, Bank, Clemon,  
Edwards, Ellis, Fine, Gilmore,  
Goodwin, Higginbotham, Jones, King,  
Little, McDonald (A), Miller, Mims,  
Mitchell, Noonan, Owen, Pearson,  
Peden, Perloff, Perry, Powell, Proctor,  
Roberts, St. John, Shelby, Stewart,  
Teague, Waldrop and Wilson

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ALBERT BURTON  
BOUTWELL.

WHEREAS, the State of Alabama has suffered a great loss in the death of Albert Burton Boutwell on February 4, 1978, at the age of 73; he was a former State Senator, Lieutenant Governor of Alabama and Mayor of the City of Birmingham; and

WHEREAS, Albert Boutwell, a native Montgomerian, was a graduate of Greenville High School, and of the University of Alabama with a LL.B Degree awarded in 1928; while at the University, he was elected business manager of the Crimson and White student newspaper, served as president of several organizations including the Student Government Association, and was a member of both Sigma Delta Kappa and Alpha Phi Epsilon; and

WHEREAS, he practiced law in Birmingham from 1928 until 1946 at which time he was elected to the State Senate and was to serve for three consecutive terms, elected president pro tem during his second term and named by the press as the "hardest working" and "most effective" member; he was elected Lieutenant Governor of Alabama in 1958 serving for four years as presiding officer of this body, and in 1963 was elected Mayor of our state's largest metropolis and has been called one of the greatest mayors in American history; and

WHEREAS, Albert Burton Boutwell was prominent in the governmental and political affairs of our state for more than 20 years; in addition to his posts of public service, he served twice as a member of the State Democratic Executive Committee, was elected delegate-at-large to the National Democratic Convention in Chicago in 1944, and was State Finance Director for the Democratic Party in Alabama on two occasions; and

WHEREAS, he was an Elk, a Mason, served as president of the Birmingham Junior Chamber of Commerce for two terms, and was a member of the Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply grieved by the death of our friend and former colleague, Albert Boutwell, and extend our sincere sympathy to his wife, Mrs. Helen Drake Boutwell, and to their children, Helen Boutwell Hannon, Albert Boutwell, Jr., and Drake Boutwell who also has served with us in the Alabama Legislature.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Boutwell family as evidence of our shared sorrow in the loss of their husband and father.

Approved March 6, 1978

Time: 4:00 P.M.

Act No. 121

H.J.R. 408—Manley

## HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Thursday, February 23, we adjourn to meet again on Tuesday, February 28 and when we adjourn on Tuesday, February 28 we adjourn to meet again on Thursday, March 2; when we adjourn on Thursday, March 2, we adjourn to meet again on Tuesday, March 7, and when we adjourn on Tuesday, March 7 we adjourn to meet again on Thursday, March 9; and when we adjourn on Thursday, March 9, we adjourn to meet again on Tuesday, March 21.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 122

H.J.R. 82—Campbell, McCorquodale, Manley,  
Pegues, Lockett, Dial

## HOUSE JOINT RESOLUTION

MOURNING THE UNTIMELY DEATH OF JOHN KENNETH BRACKETT.

WHEREAS, grievously, the Legislature of Alabama has noted the untimely death of John Kenneth Brackett of Livingston, Alabama, in Birmingham, on January 14, 1978, at the early age of 38 years; and

WHEREAS, Ken Brackett, who was in his second year as head basketball coach at Livingston University, was a graduate of Bellwood High School, Bellwood, North Carolina, having lettered four years in both basketball and baseball; he graduated, Cum Laude, from Appalachian State University in 1963, where he played freshman basketball and earned three letters as a varsity player, and, in 1972, was awarded his Masters Degree from Middle Tennessee State University; and

WHEREAS, he coached high school baseball, basketball and football in various North Carolina schools for some nine years, joined the faculty at Middle Tennessee State University in 1974, and served as assistant varsity basketball coach at the University of Richmond from 1974 until he joined the staff at Livingston as head basketball coach; and

WHEREAS, Coach Brackett was not only an outstanding

coach but a man who possessed the admirable qualities of warmth, friendliness, wit and humor; he was undeniably a man of great character, courage and fortitude who, despite his grave illness, continued his duties until the end, having built a team which was tenth in the NCAA Division II poll, the announcement made just three days before Coach Brackett's death; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn and regret the untimely death of John Kenneth Brackett; we extend our deepest sympathy to his wife and son and direct that they receive copies of this resolution so that they may know of our shared sorrow in their great loss.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 123

H.J.R. 431—Drake

### HOUSE JOINT RESOLUTION

INVITING JOHN C. WHITE, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE, TO ADDRESS THE ALABAMA LEGISLATURE.

WHEREAS, the Legislature of Alabama has noted that Mr. John C. White of Texas will be in Montgomery on March 7, 1978, as the featured speaker at the Montgomery County Democratic Executive Committee's annual fund raising dinner; and

WHEREAS, a native Texan, Mr. White has served as chairman of the agricultural department at Midwestern University, and was a Texas agriculture commissioner for twenty-six years; he is former U. S. Deputy Secretary of Agriculture and is the newly appointed chairman of the Democratic National Committee; and

WHEREAS, as a moderate Democrat and party loyalist, Mr. White has been active in presidential campaigns since 1960 and has been credited with devising the rural strategy in Texas for President Carter that was to help him overcome strong opposition to win in that state by substantially more than one-hundred thousand votes; and

WHEREAS, as featured speaker for the occasion, Mr. White will address more than 1,000 Democrats expected in Montgomery for the largest gathering of statewide Democrats during this year's political season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING That we most cordially extend an invitation to Mr. John C. White to address the Senate and House of the Alabama Legislature on March 7, 1978.

BE IT FURTHER RESOLVED, That Mr. White be notified of our invitation and that we hopefully await his acceptance.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 124    H.J.R. 427—Trammell, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce

## HOUSE JOINT RESOLUTION

MOURNING THE TRAGIC AND UNTIMELY DEATH OF  
WILLIAM JAMES TURMAN, JR.

WHEREAS, the Legislature of Alabama has been grievously



saddened by the death of William James Turman, Jr. in Forestdale, Jefferson County, Alabama, on January 25, 1978, at the early age of only 15 years; and

WHEREAS, young Jim Turman lost his life as the result of a tragic accident which occurred during a violent storm in his community; he was seeing his young 8-year old neighbor, Michael Patrick Locascio, safely home during the storm when a falling tree ended the life of James Turman, Jr.; and

WHEREAS, Jim's last unselfish act was to push his young friend to safety and, in so doing, sacrificed his own life; he was confronted with a decision that few of us are ever called upon to face, and responding with a courage and love far beyond his years, "lay down his life for a friend"; and

WHEREAS, at the time of his death, Jim was a sophomore at Minor High School where he was a member of the band, and was a member of Hillview Baptist Church; he was a warm, friendly and caring young man with many friends who have mourned his death with a sense of deep loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the tragic and untimely death of William James Turman, Jr. and extend our most heartfelt sympathy to his family in the hope that, even as they grieve, they may find comfort in the knowledge that his death was not in vain.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. and Mrs. William James Turman, Sr., that they may know of our shared sorrow in their great loss, and a copy for young Michael Patrick Locascio that he may later realize that few are granted such great measure of love.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 125

H.J.R. 19—Waggoner, Armstrong

### HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE  
HOOVER RAIDERS SIXTY-FIVE POUNDERS.

WHEREAS, the Alabama Legislature has noted the remarkable record and capture of the National Championship Bowl title by the Hoover Raiders; and

WHEREAS, the Hoover Raiders sixty-five pound football

team is made up of twenty-one seven-year-olds, only four of whom had previously played football; and

WHEREAS, the Raiders won the Jefferson County Championship and pre- and post-season bowls, ending the season with a 16-0 record; and

WHEREAS, this enviable record resulted in an invitation to play in the National Championship Bowl, sponsored by the American Youth Football Association, on November 26, 1977, in Newport, Tennessee; the Raiders played a seven-year-old team from Lithia Springs, Georgia, with a 13-0 record and won handily 25 to 12; and

WHEREAS, this young championship team, sponsored by Estes Warehouse Tires, is coached by Connie Haydock who is most ably assisted by Jerald Smith, Jesse Harper and Max Thompson; team members are: Brad Birdwell, Mark Dobnikar, Jeff Faulkner, Greg Garrison, Dan Gullede, Erie Hanson, Russ Harper, Ashley Haydock, Ben Henson, Chris Jones, Chris Lamb, Michael Lepkowski, Tony Lupo, Keith Maple, Jamie McDaniel, Rob Montgomery, Greg Smith Steve Sullivan, David Thompson, Ron Williamson, and John Woody; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and congratulate the Hoover sixty-five pound football team on their outstanding first season record and on winning the National Championship Bowl.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the sponsor, coaches and team that they may know of our admiration for their tremendous success.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 126

H.J.R. 62—Falkenburg

### HOUSE JOINT RESOLUTION

COMMENDING MR. SLOAN BASHINSKY, SR., AND GOLDEN FLAKE ON THE 50TH ANNIVERSARY OF THIS TREMENDOUSLY SUCCESSFUL DOMESTIC COMPANY.

WHEREAS, the Alabama Legislature notes with pride that 1978 is the Golden Year of the Golden Flake with a history that is the classic American success story and a tribute to the American free enterprise system; it was founded in 1928 by owner-manager Frank Moshier under the name of Magic City Food Products

Company, making its first potato chip in the basement of an old Hills store in the North Highlands section of Birmingham; and

WHEREAS, despite the great Depression, the business survived, gaining substantial distribution throughout the area with sales of \$750,000 by 1946 at which time the company was purchased by the Bashinsky family from Troy, Alabama; and

WHEREAS, in 1955, sole interest in the company became the ownership of Mr. Sloan Bashinsky, Sr., Mr. Halsey Townes and Mr. Frank Spain; the corporate name was changed to Golden Flake in 1957, its own plant was built at the present Sixth Street South location in 1958, and, in 1968, the company went public so that employees and individuals might participate in company earnings; and

WHEREAS, at the time of purchase by the Bashinsky family, only three products - potato chips, peanuts and peanut butter crackers - were being made, and were packed by hand; today's operation, however, is completely automated with a complete line of snack foods manufactured and distributed over much of the Southeast; and

WHEREAS, a phenomenal growth in sales, amounting to well over thirty million dollars in 1977, represents a dedication on the part of each employee to manufacture the highest quality snack food products available; the company's growth during the 50 years from 1928 to 1978, also reflects the efforts of the expanding management team to combine traditions and high standards with the most progressive and modern procedures in the industry; and

WHEREAS, the fact that Golden Flake maintains its corporate offices and personnel in Birmingham, and expands outward from that point to nine states, is action consistent with Golden Flake's dedication to the State of Alabama and its expansion from the borders of our great State during these 50 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Mr. Sloan Bashinsky, Sr., and Golden Flake on the 50th anniversary, 1978, the Golden Year of the Golden Flake.

BE IT FURTHER RESOLVED, That we voice our deep appreciation for the Company's loyalty to the State of Alabama and direct that a copy of this resolution be presented to Mr. Bashinsky, Sr., as a token of our pride, appreciation and esteem.

Approved March 13, 1978

Time: 1:30 P.M.

Act NO. 127

H.J.R. 86—Gafford, Biddle

## HOUSE JOINT RESOLUTION

COMMENDING THE GARDENDALE ROCKETTES,  
DIXIE DEBS WORLD SERIES SOFTBALL CHAMPIONS.

WHEREAS, in recognition of outstanding achievement, the Alabama Legislature notes with extraordinary pride two consecutive championships captured by the Gardendale Rockettes; and

WHEREAS, in 1976, after a perfect regular season of 15 wins and no losses and by virtue of winning the sub-district, district and state tournaments, the Gardendale Rockettes, a 16-18 year old girls' softball team, earned the honor of representing Alabama in the Dixie Debs World Series, defeating Jefferson Parish, Louisiana, in the series' two-loss elimination process, and finishing in first place for the championship; and

WHEREAS, in 1977, lightning struck for a second time in a repeat performance as the Rockettes, once again with a winning season and as defending champions, hosted and won the state championship play-off, then traveled to Huntsville and Texas to bring home once again the Dixie Debs World Series first place trophy and pennant, Jefferson Parish second again in '77 as in 1976; and

WHEREAS, the Rockettes modestly attribute their remarkable success to their coaches J. M. "Jack" Boggan and Dan Hill who were themselves, in 1977, named the "Winning Coaches"; for their championship spirit, good sportsmanship and will-to-win, the girls give credit to their team motto, "Unithasm", coined from the words unity and enthusiasm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both congratulate and commend the Gardendale Rockettes for superior performance and on their two consecutive World Series Championships; we also voice our appreciation for the honor they have brought not just to their coaches and to themselves, but to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the coaches and to the Gardendale Rockettes as a token of our praise and appreciation.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 128 | H.J.R. 389—Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McCorquodale, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, White, Williams, Wyatt, Younce

## HOUSE JOINT RESOLUTION

### MOURNING THE DEATH OF ALBERT BURTON BOUTWELL.

WHEREAS, The Legislature of Alabama has been grievously saddened by the death of Albert Burton Boutwell in Birmingham, Alabama, on February 4, 1978, at the age of 73; and

WHEREAS, Albert Boutwell was a native of Montgomery and lived at Greenville, Montgomery, and in Birmingham where he resided at the time of his death; he was a graduate of Greenville High School and of the University of Alabama where he received his LL.B. Degree in 1928 and was a member of Sigma Delta Kappa, Alpha Phi Epsilon, president of the Student Government Association and of other organizations; and

WHEREAS, he began the practice of law in 1928 in Birmingham and was admitted to practice in the United States Supreme Court in 1937; he was elected to the State Senate in 1946

and re-elected in 1950, serving as President Pro Tem during the latter term, and was re-elected for a third term in 1954; and

WHEREAS, Albert Boutwell was elected Lieutenant Governor of Alabama in 1958, carrying 59 of our state's 67 counties, and in 1963 was elected and served for four years as the Mayor of Birmingham, Alabama; and

WHEREAS, he further was twice elected as a member of the State Democratic Executive Committee, served as a delegate from the State at Large at the National Democratic Convention in 1944, and as State Finance Director for the Democratic Party in Alabama on two occasions; he was former president of the Birmingham Junior Chamber of Commerce for two terms, was an Elk, a Mason and a member of the Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn and sadly regret the death of our beloved friend and former colleague in the Legislature, Albert Burton Boutwell of Birmingham, Alabama, one of our state's most prominent and outstanding citizens; we extend our deep and sincere sympathy to his wife, Mrs. Helen Drake Boutwell, to their daughter, Helen Boutwell Hannon, son Albert Boutwell, Jr., and to their son, Drake Boutwell who served in the Alabama House of Representatives from 1971 to 1975.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his family that they may know we share the sorrow of their great loss.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 129

H.J.R. 397—Venable

### HOUSE JOINT RESOLUTION

DESIGNATING THE TENTH ANNUAL MILLBROOK FESTIVAL, TO BE HELD MAY 20, 1978, THE OFFICIAL MONTGOMERY AREA ARMED FORCES DAY CELEBRATION.

WHEREAS, since 1969, the citizens of the Tri-Community area of Millbrook, Robinson Springs and Coosada have come together annually at the Millbrook Festival to honor the United States Armed Forces; and

WHEREAS, the Millbrook Festival was formed for the

purpose of: honoring the members of the United States Armed Forces who have made so many sacrifices so that all our citizens may enjoy today's freedoms; developing and maintaining good public relations and fellowship within the community; raising funds to meet local civic needs, particularly for the volunteer fire department and recreational areas; promoting the advantages of this picturesque community which sits amid rolling hills, lush plains and fertile soil; and fostering among its residents a genuine appreciation of their community and its rich cultural heritage; and

WHEREAS, the Millbrook Festival is under the guidance of seven directors of the board and the Millbrook Festival Committee comprised of over twenty participating civic groups, all of whom have been an inspiration exhibiting an enthusiastic community spirit and pride, dedication to the betterment and progress of their citizens; and

WHEREAS, the tenth annual Millbrook Festival will be held May 20, 1978 to honor the Montgomery area members of the United States Armed Forces; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do commend all those participants of the Millbrook Festival of their true community spirit and we do designate the Tenth Annual Millbrook Festival Armed Forces Day Celebration, to be held on May 20, 1978, as the official Montgomery Area Armed Forces Day Celebration.

BE IT FURTHER RESOLVED, That we do urge all citizens of the Montgomery area to support this worthwhile celebration.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 130

H.J.R. 398—Gafford

### HOUSE JOINT RESOLUTION

HONORING JUDGE J. PAUL MEEKS UPON HIS RETIREMENT AS JUDGE OF PROBATE IN JEFFERSON COUNTY.

WHEREAS, the Alabama Legislature has noted the recent retirement of J. Paul Meeks after 21 years of exemplary service as a Judge of Probate in Jefferson County; and

WHEREAS, Judge Meeks has enjoyed an outstanding and distinguished career having served as a practicing attorney for a period of 20 years, and then moving into the arena of public service

as a member of the original Jefferson County Board of Equalization; and

WHEREAS, Judge Meeks, who served with distinction during three terms of the Alabama Legislature, was responsible for much important legislation and did, indeed, serve one day as Speaker of the House under unique circumstances; and

WHEREAS, he further has most actively participated in the civic affairs of his community by serving as President of the Birmingham Junior Chamber of Commerce, President of the Inter-Club Council and Woodlawn Lions Club, and as Deputy District Governor of Lions International; and

WHEREAS, during his many years of dedicated service, Judge Meeks has gained the love, respect and admiration of all who have come to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend J. Paul Meeks for his outstanding service to the people of Jefferson County as attorney, legislator and judge; we further extend best wishes to Judge Meeks and to his family on the occasion of his retirement, and direct that they receive a copy of this resolution as evidence of our deep appreciation and esteem.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 131

H.J.R. 409—Folmar

### HOUSE JOINT RESOLUTION

COMMENDING THE CHARLES HENDERSON HIGH SCHOOL BAND, ALABAMA'S REPRESENTATIVE TO THE DOGWOOD ARTS FESTIVAL, KNOXVILLE, TENNESSEE.

WHEREAS, the Charles Henderson High School Band of Troy, Alabama, selected as one of the outstanding musical units in our state, has accepted an invitation to represent the State of Alabama at the Dogwood Arts Festival Band Competition in Knoxville, Tennessee; and

WHEREAS, the Charles Henderson High School Band has long been a symbol of superior performance in marching and music, and has gained for the State of Alabama the reputation of developing in its young people a bountiful image of our state's future through youth of high moral character and fibre; and

WHEREAS, this outstanding group, under the able and



talented leadership of Band Director William W. Hickman, has been named by Governor George C. Wallace an official representative of Alabama to the Dogwood Arts Festival Band Competition, and his personal ambassadors of good will from the citizens of Alabama to the people of Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate and highly commend the Charles Henderson High School Band for superior performance and on their selection by the Governor of Alabama to represent our state in Knoxville, Tennessee.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Principal William H. Gunter for appropriate school display, and a copy to Director William W. Hickman on behalf of all members of the band.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 132                      H.J.R. 412—Wyat, Barron, Langford, Harris,  
Holmes (A), Plaster, Smith (C),  
Venable, Cates, Jackson (F),  
Carothers, Pegues

### HOUSE JOINT RESOLUTION

OPPOSING THE PETITION NOW BEFORE THE FEDERAL COMMUNICATIONS COMMISSION TO REMOVE VHF TELEVISION CHANNEL 12 FROM MONTGOMERY TO COLUMBUS, GEORGIA.

WHEREAS, a petition has been filed with the Federal Communications Commission (FCC) in Washington, D. C. proposing that wide-range VHF Channel 12 be removed from Montgomery, Alabama, to Columbus, Georgia; and

WHEREAS, Montgomery, Alabama, the City of License of WSFA-TV, Channel 12, is the capital city of Alabama and as such is the physical location of the Alabama Legislature, the Governor's Office, all Constitutional offices, principal agencies and commissions of the State of Alabama; and is the business and cultural center for south and central Alabama; and

WHEREAS, the wide-range VHF Channel 12 in Montgomery, Alabama, has provided the citizens of this area with extensive coverage of general news, weather, sports, legislative activities and other governmental affairs for twenty-four years; and

WHEREAS, in September, 1977, WSFA-Television, Channel 12, installed new transmitting facilities including a 2,000 foot tower, the tallest structure in the State of Alabama in order to provide additional coverage and better serve the people of south and central Alabama; and

WHEREAS, if this petition should be approved, some 500,000 Alabamians would be deprived of a vital television service from their state capital and a sizeable rural area containing some 25,000 citizens would be deprived of its only predicted Grade B television service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they go on record as vigorously opposing the petition now before the Federal Communications Commission (FCC) to remove VHF Channel 12 from Montgomery, Alabama to Columbus, Georgia.

BE IT FURTHER RESOLVED, That the Clerk of the House forward a copy of this resolution to WSFA-TV in order that it be included in the record of this proceeding of the Federal Communications Commission.

Approved March 13, 1978

Time: 1:30 P.M.

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Act No. 133

H.J.R. 439—Ward

### HOUSE JOINT RESOLUTION

NOTING THE OCCASION OF MR. E. E. LABARRE'S 100TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes that on January 7, 1978, Mr. E. E. LaBarre of Dutton, Jackson County, Alabama, celebrated his 100th birthday; and

WHEREAS, Mr. LaBarre was born on January 7, 1878, son of Andrew Jackson LaBarre, in Mukwonago, Wisconsin; he moved to Dutton in 1905, married the former Ida Lee Pittman in October, 1910, and is the father of one daughter, Merle LaBarre; and

WHEREAS, he opened a blacksmith's shop, in Dutton, in 1915, but with the advent of the automobile to Sand Mountain, he "got a repair book and went to work on cars;" and

WHEREAS, despite his advanced years, Mr. LaBarre still cultivates a small garden and, even today, does some yard work; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. E. E. LaBarre on his 100th birthday; we salute him as a centenarian, whom we wish many more years of health and happiness, and direct that he receive a copy of the resolution that he may know of our congratulations, warm wishes and esteem.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 134

H.J.R. 440—Ward, Venable

### HOUSE JOINT RESOLUTION

#### MOURNING THE DEATH OF COACH SAM MASON OF OPELIKA, ALABAMA.

WHEREAS, the Alabama Legislature has noted with deep sorrow and regret the death of Coach Sam Mason in Opelika, Alabama, on February 19, 1978, at the age of 69; and

WHEREAS, Sam Mason, a native of Tallassee, Elmore County, Alabama, was an outstanding prep star in all sports who was signed by Auburn University to an athletic scholarship and where he won letters in football, basketball, baseball and track; and

WHEREAS, he was head football coach and athletic director at Opelika High School from 1945 to 1958; he remained in Opelika School System for 28 years, later as a teacher and coach at Opelika Junior High, and could boast of an outstanding attendance record, having missed only one day from his duties in those 28 years, as a result of an injury received on the job; and

WHEREAS, known as he was, indeed, for his coaching ability, Sam Mason later became known for his work with the Opelika Parks and Recreation Department; he became simply "Coach Mason" to his young charges, favoringly influencing many of their lives; and

WHEREAS, he was a beloved and highly respected member of his community as evidenced by the Opelika citizens' naming of the new track facility at Opelika High in his honor; also, just last year, the Opelika High School Class of 1947 dedicated its 30th reunion to Coach Mason in fitting tribute and as a token of their affection, admiration and esteem, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply mourn the death of Coach Sam Mason of Opelika; we

extend our heartfelt sympathy to his wife and son to whom copies of this resolution shall be sent.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 135

H.J.R. 441—Ward

### HOUSE JOINT RESOLUTION

COMMENDING POLICE CHIEF WILLIAM J. TRUSSELL, JR., OPELIKA EXCHANGE CLUB'S OFFICER OF THE YEAR.

WHEREAS, the Alabama Legislature is pleased to note the recent selection of William J. Trussell, Jr., and Officer of the Year by the Exchange Club of Opelika, Alabama; and

WHEREAS, this prestigious award is presented annually to the officer who has so distinguished himself as to be worthy of high praise and recognition by the Opelika Exchangites during their observance of National Exchange Crime Prevention Week; and

WHEREAS, Bill Trussell, who joined the Opelika Police Department in 1951, rose through the ranks, from patrolman to Chief of Police, in just slightly more than eight years; he is a graduate of Southern Police Institute at the University of Louisville in Kentucky, has attended various other law enforcement schools, completed many hours of study in FBI courses, is a graduate of the Dale Carnegie course, has been awarded his E.M.T. designation, and has further completed countless other first aid courses; and

WHEREAS, Chief Trussell has exhibited leadership qualities, devotion to duty, courage and dedication throughout his entire law enforcement career with the Opelika Police Department which is one of the finest in the South and continues to be known as a "policeman's police department"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the Opelika Exchange Club's Officer of the Year, Police Chief William J. Trussell, and commend him most highly on his outstanding career in the field of law enforcement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Chief Trussell and his wife, the former Mamie Laura Mitchell, so that they and their five fine children may know of our admiration and esteem.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 136

H.J.R. 442—Ward, Smith (C)

## HOUSE JOINT RESOLUTION

COMMENDING DR. JAMES E. WALKER, LEE COUNTY PHYSICIAN.

WHEREAS, Dr. James E. Walker, who is a native of Kentucky and a graduate of the University of Kentucky, has been a resident of Alabama since 1941 and of Opelika since 1946, practicing in that city until his retirement in 1974; and

WHEREAS, during his many years as a practicing physician, Dr. Walker provided mental and physical comfort to thousands of his fellow citizens of Lee County and surrounding areas; he was ever deeply concerned for the well being of all his patients regardless of their ability to pay; and

WHEREAS, in 1973, Dr. Walker accepted the position of Health Office of Lee County to begin a new career and a position he still holds today, serving humanity as a beloved physician, counsellor and friend; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Dr. James E. Walker on both his distinguished medical career, and for dedicated service to his profession.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Dr. James E. Walker, of Opelika, Lee County, Alabama, as but a token of our admiration and esteem.

Approved March 13, 1978

Time: 1:30 P.M.

Act No. 137

H.J.R. 175—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF HARRY M. AYERS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Harry M. Ayers State Technical College; and

WHEREAS, following a review and evaluation relative to the

continued existence of Harry M. Ayers State Technical College. the committee voted to recommend the continued existence of Harry M. Ayers State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Harry M. Ayers State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 138

H.J.R. 176—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE HELEN KELLER PROPERTY BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Helen Keller Property Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Helen Keller Property Board, the committee voted to recommend the continued existence of the Helen Keller Property Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Helen Keller Property Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 139

H.J.R. 177—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORICAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Historical Commission, the committee voted to recommend the continued existence of the Historical Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 140

H.J.R. 178—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF J. F. INGRAM STATE TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of J. F. Ingram State Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of J. F. Ingram State Technical Institute, the committee voted to recommend the continued existence of J. F. Ingram State Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That J. F. Ingram State Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 141

H.J.R. 179—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE JACKSONVILLE STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jacksonville State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jacksonville State University, the committee voted on November 29, 1977, to recommend the continued existence of the Jacksonville State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jacksonville State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 142

H.J.R. 180—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE JAMES H. FAULKNER STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the James H. Faulkner State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the James H. Faulkner State Junior College, the committee voted to recommend the continued existence of the James H. Faulkner State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the James H. Faulkner State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.



Act No. 143

H.J.R. 181—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE JEFFERSON DAVIS STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson Davis State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson Davis State Junior College, the committee voted to recommend the continued existence of the Jefferson Davis State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson Davis State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 144

H.J.R. 182—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE JEFFERSON STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Jefferson State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Jefferson State Junior College, the committee voted to recommend the continued existence of the Jefferson State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Jefferson State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 145

H.J.R. 183—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the John C. Calhoun State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the John C. Calhoun State Community College, the committee voted to recommend the continued existence of the John C. Calhoun State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the John C. Calhoun State Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 146

H.J.R. 184—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF JOHN M. PATTERSON STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of John M. Patterson Technical College; now

WHEREAS, following a review and evaluation relative to the continued existence of John M. Patterson State Technical College, the committee voted to recommend the continued existence of John M. Patterson State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That John M. Patterson State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 147

H.J.R. 185—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUNIOR COLLEGE BRANCH OF DEPARTMENT OF EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Junior College Branch of Department of Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Junior College Branch of Department of Education, the committee voted to recommend the continued existence of the Junior College Branch of Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Junior College Branch of Department of Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 148

H.J.R. 187—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LaGRANGE HISTORICAL COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for

therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the LaGrange Historical Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the LaGrange Historical Commission, the committee voted to recommend the continued existence of the LaGrange Historical Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the LaGrange Historical Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 149

H.J.R. 188—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LAWSON STATE COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lawson State Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lawson State Community College, the committee voted to recommend the continued existence of the Lawson State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lawson State Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 150

H.J.R. 189—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF

## THE LEGISLATIVE COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Council, the committee voted on November 29, 1977, to recommend the continued existence of the Legislative Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 151

H.J.R. 190—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LEGISLATIVE FISCAL OFFICE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Fiscal Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Fiscal Office, the committee voted on November 29, 1977, to recommend the continued existence of the Legislative Fiscal Office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Fiscal Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 152

H.J.R. 191—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVING FOR THE CONTINUED EXISTENCE OF THE  
LEGISLATIVE REFERENCE SERVICE.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Reference Service; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Reference Service, the committee voted on November 29, 1977, to recommend the continued existence of the Legislative Reference Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Reference Service, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 153

H.J.R. 192—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE LIVE IN A LANDMARK COUNCIL.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Live in a Landmark Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Live in a Landmark Council, the committee voted to recommend the continued existence of the Live in a Landmark Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Live in a Landmark Council, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session,

be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 154

H.J.R. 193—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LIVINGSTON STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Livingston State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Livingston State University, the committee voted on November 29, 1977, to recommend the continued existence of the Livingston State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Livingston State University, pursuant to the terms of the "Alabama Sunset Law of 1976, Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 155

H.J.R. 195—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LURLEEN B. WALLACE STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lurleen B. Wallace State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lurleen B. Wallace State Junior College,

the committee voted to recommend the continued existence of the Lurleen B. Wallace State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lurleen B. Wallace State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 156

H.J.R. 196—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LYMAN WARD MILITARY ACADEMY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Lyman Ward Military Academy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Lyman Ward Military Academy, the committee voted on November 29, 1977, to recommend the continued existence of the Lyman Ward Military Academy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Lyman Ward Military Academy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 157

H.J.R. 197—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARION INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for



therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Marion Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Marion Institute, the committee voted on November 29, 1977, to recommend the continued existence of the Marion Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Marion Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 158

H.J.R. 198—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MEAT AND POULTRY INSPECTION ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Meat and Poultry Inspection Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Meat and Poultry Inspection Advisory Council, the committee voted to recommend the continued existence of the Meat and Poultry Inspection Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Meat and Poultry Inspection Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 159

H.J.R. 199—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE MEDICAL SCHOLARSHIP AWARDS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Medical Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Medical Scholarship Awards, the committee voted to recommend the continued existence of the Medical Scholarship Awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Medical Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 160

H.J.R. 200—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE MONTGOMERY INSTITUTE FOR NEUROLOGICAL  
DEVELOPMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Montgomery Institute for Neurological Development; and

WHEREAS, following a review and evaluation relative to the continued existence of the Montgomery Institute for Neurological Development, the committee voted to recommend the continued existence of the Montgomery Institute for Neurological Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Montgomery Institute for Neurological Development, pursuant

to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 161

H.J.R. 201—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTION PICTURE AND TELEVISION ADVISORY COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Motion Picture and Television Advisory Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Motion Picture and Television Advisory Commission, the committee voted on November 29, 1977, to recommend the continued existence of the Motion Picture and Television Advisory Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Motion Picture and Television Advisory Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 162

H.J.R. 202—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOUNTAIN LAKES ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Mountain Lakes Association; and

WHEREAS, following a review and evaluation relative to the

continued existence of the Mountain Lakes Association, the committee voted to recommend the continued existence of the Mountain Lakes Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Mountain Lakes Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 163

H.J.R. 203—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF MUSCLE SHOALS TECHNICAL INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Muscle Shoals Technical Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of Muscle Shoals Technical Institute, the committee voted to recommend the continued existence of Muscle Shoals Technical Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Muscle Shoals Technical Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 164

H.J.R. 204—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL VETERANS DAY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of the National Veterans Day; and

WHEREAS, following a review and evaluation relative to the continued existence of the National Veterans Day, the committee voted to recommend the continued existence of the National Veterans Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Veterans Day, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 165

H.J.R. 205—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE NORTHEAST ALABAMA STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northeast Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northeast Alabama State Junior College, the committee voted to recommend the continued existence of the Northeast Alabama State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Northeast Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 166

H.J.R. 206—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF

**THE NORTHWEST ALABAMA STATE JUNIOR COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Northwest Alabama State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Northwest Alabama State Junior College, the committee voted to recommend the continued existence of the Northwest Alabama State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Northwest Alabama State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976", Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 167

H.J.R. 207—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF NORTHWEST ALABAMA STATE TECHNICAL COLLEGE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Northwest Alabama State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Northwest Alabama State Technical College, the committee voted to recommend the continued existence of Northwest Alabama State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Northwest Alabama State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 168

H.J.R. 208—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF N. F. NUNNELLEY STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of N. F. Nunnelley State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of N. F. Nunnelley State Technical College, the committee voted to recommend the continued existence of N. F. Nunnelley State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That N. F. Nunnelley State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 169

H.J.R. 209—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF PROSECUTION SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Prosecution Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Prosecution Services, the committee voted to recommend the continued existence of the Office of Prosecution Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Prosecution Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 170

H.J.R. 210—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF SPACE MANAGEMENT.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of Space Management; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of Space Management, the committee voted to recommend the continued existence of the Office of Space Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of Space Management, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 171

H.J.R. 211—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE OFFICE OF THE COORDINATOR OF HIGHWAY & TRAFFIC SAFETY.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Office of the Coordinator of Highway & Traffic Safety; and

WHEREAS, following a review and evaluation relative to the continued existence of the Office of the Coordinator of Highway & Traffic Safety, the committee voted to recommend the continued existence of the Office of the Coordinator of Highway & Traffic



Safety; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Office of the Coordinator of Highway & Traffic Safety, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 172

H.J.R. 212—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF OPELIKA STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Opelika State Technical College; and

WHEREAS, following ~~a review and evaluation~~ relative to the continued existence of Opelika State Technical College, the committee voted to recommend the continued existence of Opelika State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Opelika State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 173

H.J.R. 213—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE PATRICK HENRY STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of the Patrick Henry State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Patrick Henry State Junior College, the committee voted to recommend the continued existence of the Patrick Henry State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Patrick Henry State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 174

H.J.R. 214—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE PERMANENT STUDY COMMITTEE ON ALABAMA'S JUDICIAL SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Permanent Study Committee on Alabama's Judicial System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Permanent Study Committee on Alabama's Judicial System, the committee voted to recommend the continued existence of the Permanent Study Committee on Alabama's Judicial System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Permanent Study Committee on Alabama's Judicial System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 175

H.J.R. 216—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL ON ALCOHOLISM & DRUG ABUSE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council on Alcoholism & Drug Abuse; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council on Alcoholism & Drug Abuse, the committee voted to recommend the continued existence of the Advisory Council on Alcoholism & Drug Abuse; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council on Alcoholism & Drug Abuse, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 176

H.J.R. 217—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural and Industrial Exhibit Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural and Industrial Exhibit Commission, the committee voted to recommend the continued existence of the Agricultural and Industrial Exhibit Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Agricultural and Industrial Exhibit Commission, pursuant to

the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 177

H.J.R. 218—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE AGRICULTURAL CENTER BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Agricultural Center Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Agricultural Center Board, the committee voted to recommend the continued existence of the Agricultural Center Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Agricultural Center Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 178

H.J.R. 219—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA A & M UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama A & M University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama A & M University, the committee voted to recommend the continued existence of the Alabama A & M University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama A & M University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 179

H.J.R. 220—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ACADEMY OF HONOR.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Academy of Honor; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Academy of Honor, the committee voted to recommend the continued existence of the Alabama Academy of Honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Academy of Honor, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 180

H.J.R. 221—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA ADVISORY COUNCILS ON VOCATIONAL EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Advisory Councils on

Vocational Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Advisory Councils on Vocational Education, the committee voted to recommend the continued existence of the Alabama Advisory Councils on Vocational Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Advisory Councils on Vocational Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 181

H.J.R. 222—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA AGRICULTURAL CENTER CORPORATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Agricultural Center Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Agricultural Center Corporation, the committee voted to recommend the continued existence of the Alabama Agricultural Center Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Agricultural Center Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 182

H.J.R. 223—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
ALABAMA AVIATION AND TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Aviation and Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Aviation and Technical College, the committee voted to recommend the continued existence of Alabama Aviation and Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Aviation and Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 183

H.J.R. 225—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA BUILDING CORPORATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Corporation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Corporation, the committee voted to recommend the continued existence of the Alabama Building Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Corporation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 184

H.J.R. 226—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BUILDING FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Building Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Building Finance Authority, the committee voted to recommend the continued existence of the Alabama Building Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Building Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 185

H.J.R. 227—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COMMISSION ON HIGHER EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Commission on Higher Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Commission on Higher Education, the committee voted to recommend the continued existence of the Alabama Commission on Higher Education; now therefore,

BE IT RESOLVED THAT THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Commission on Higher Education, pursuant to the



terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 186

H.J.R. 229—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA COUNCIL ON THE ARTS & HUMANITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Council on the Arts & Humanities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Council on the Arts & Humanities, the committee voted on November 29, 1977, to recommend the continued existence of the Alabama Council on the Arts & Humanities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Council on the Arts & Humanities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 187

H.J.R. 230—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEPARTMENT OF ARCHIVES AND HISTORY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Department of Archives and

History; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Department of Archives and History, the committee voted to recommend the continued existence of the Alabama Department of Archives and History; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Department of Archives and History, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 188

H.J.R. 231—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DEVELOPMENT OFFICE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Development Office; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Development Office, the committee voted to recommend the continued existence of the Alabama Development Office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Development Office, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 189

H.J.R. 232—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA DIVERSION INVESTIGATIVE UNIT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Diversion Investigative Unit; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Diversion Investigative Unit, the committee voted to recommend the continued existence of the Alabama Diversion Investigative Unit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Diversion Investigative Unit, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 190

H.J.R. 233—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA EDUCATION AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Education Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Education Authority, the committee voted to recommend the continued existence of the Alabama Education Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Education Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 191

H.J.R. 234—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Hall of Fame, the committee voted to recommend the continued existence of the Alabama Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 192

H.J.R. 235—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA HIGH SCHOOL OF FINE ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama High School of Fine Arts; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama High School of Fine Arts, the committee voted to recommend the continued existence of the Alabama High School of Fine Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama High School of Fine Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 193

H.J.R. 236—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA LAW INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Law Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Law Institute, the committee voted on November 29, 1977, to recommend the continued existence of the Alabama Law Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Law Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 194

H.J.R. 237—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA OCCUPATIONAL INFORMATION SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Occupational Information System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Occupational Information System, the committee voted to recommend the continued existence of the Alabama Occupational Information System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Occupational Information System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976

Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 195

H.J.R. 238—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PEACE OFFICER'S ANNUITY & BENEFIT FUND.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund, the committee voted to recommend the continued existence of the Alabama Peace Officer's Annuity & Benefit Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Peace Officer's Annuity & Benefit Fund, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1967 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 196

H.J.R. 239—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA PLANNING AND ADVISORY COUNCIL FOR DEVELOPMENTAL DISABILITIES SERVICE AND FACILITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities, the committee voted to recommend the continued existence of the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Planning and Advisory Council for Developmental Disabilities Service and Facilities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 197

H.J.R. 240—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA POLLUTION CONTROL FINANCE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Pollution Control Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Pollution Control Finance Authority, the committee voted to recommend the continued existence of the Alabama Pollution Control Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Pollution Control Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 198

H.J.R. 241—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA POST SECONDARY 1202 COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Post Secondary 1202 Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Post Secondary 1202 Commission, the committee voted to recommend the continued existence of the Alabama Post Secondary 1202 Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Post Secondary 1202 Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 199

H.J.R. 242—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA PUBLIC SCHOOL AND COLLEGE  
AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Public School and College Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Public School and College Authority, the committee voted to recommend the continued existence of the Alabama Public School and College Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That



the Alabama Public School and College Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 200

H.J.R. 244—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE HOSPITALS AND PARTLOW STATE SCHOOL BOND COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission, the committee voted to recommend the continued existence of the Alabama State Hospitals and Partlow State School Bond Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Hospitals and Partlow State School Bond Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 201

H.J.R. 245—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE UNIVERSITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State University; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State University, the committee voted to recommend the continued existence of the Alabama State University; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State University, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 202

H.J.R. 246—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STEER ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Steer Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Steer Association, the committee voted to recommend the continued existence of the Alabama Steer Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Steer Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 203

H.J.R. 247—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Alabama Technical College, the committee voted to recommend the continued existence of the Alabama Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Alabama Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 204

H.J.R. 248—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Commission, the committee voted to recommend the continued existence of the Alabama Women's Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 205

H.J.R. 249—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA WOMEN'S HALL OF FAME.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Women's Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Women's Hall of Fame, the committee voted to recommend the continued existence of the Alabama Women's Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Women's Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 206

H.J.R. 266—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF COMPROMISE.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Compromise; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Compromise, the committee voted to recommend the continued existence of the Board of Compromise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Compromise, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 207

H.J.R. 267—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF DENTAL SCHOLARSHIP AWARDS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Dental Scholarship Awards; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Dental Scholarship Awards, the committee voted to recommend the continued existence of the Board of Dental Scholarship Awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Dental Scholarship Awards, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 208

H.J.R. 268—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF PLUMBING EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Plumbing Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Plumbing Examiners, the committee voted to recommend the continued existence of the Board of Plumbing Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Plumbing Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 209

H.J.R. 269—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF TRUSTEES, ARCHIVES AND HISTORY DEPARTMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Trustees, Archives and History Department; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Trustees, Archives and History Department, the committee voted to recommend the continued existence of the Board of Trustees, Archives and History Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Trustees, Archives and History Department, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 210

H.J.R. 270—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION 1951.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bond Commission 1951; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bond Commission 1951, the committee

voted to recommend the continued existence of the Bond Commission 1951; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bond Commission 1951, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 211

H.J.R. 271—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BREWER STATE JUNIOR COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Brewer State Junior College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Brewer State Junior College, the committee voted to recommend the continued existence of the Brewer State Junior College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Brewer State Junior College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 212

H.J.R. 272—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Building Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Building Commission, the committee voted to recommend the continued existence of the Building Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Building Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 213

H.J.R. 273—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUREAU OF PUBLICITY AND INFORMATION (DEPARTMENT AND BOARD).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bureau of Publicity and Information (Department and Board); and

WHEREAS, following a review and evaluation relative to the continued existence of the Bureau of Publicity and Information (Department and Board), the committee voted to recommend the continued existence of the Bureau of Publicity and Information (Department and Board); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bureau of Publicity and Information (Department and Board), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 214

H.J.R. 274—Sunset Committee

#### HOUSE JOINT RESOLUTION



PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE CAHABA RIVER COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Cahaba River Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Cahaba River Commission, the committee voted to recommend the continued existence of the Cahaba River Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Cahaba River Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 215

H.J.R. 275—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE CAMP SANITATION AND SAFETY ADVISORY  
COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Camp Sanitation and Safety Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Camp Sanitation and Safety Advisory Committee, the committee voted to recommend the continued existence of the Camp Sanitation and Safety Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Camp Sanitation and Safety Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on

March 22, 1978 without approval by the Governor.

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Act No. 216

H.J.R. 276—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
CARVER STATE TECHNICAL TRADE SCHOOL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Carver State Technical Trade School; and

WHEREAS, following a review and evaluation relative to the continued existence of Carver State Technical Trade School, the committee voted to recommend the continued existence of Carver State Technical Trade School; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Carver State Technical Trade School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 217

H.J.R. 277—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE CHATTAHOOCHEE HISTORIC COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Historic Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Historic Commission, the committee voted to recommend the continued existence of the Chattahoochee Historic Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Historic Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 218

H.J.R. 278—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHATTAHOOCHEE VALLEY COMMUNITY COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Chattahoochee Valley Community College; and

WHEREAS, following a review and evaluation relative to the continued existence of the Chattahoochee Valley Community College, the committee voted to recommend the continued existence of the Chattahoochee Valley Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Chattahoochee Valley Community College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 219

H.J.R. 279—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF CHAUNCEY SPARKS STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of Chauncey Sparks State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Chauncey Sparks State Technical College, the committee voted to recommend the continued existence of Chauncey Sparks State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Chauncey Sparks State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 220

H.J.R. 280—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CHOCCOLOCCO WATERSHED ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Choccolocco Watershed Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choccolocco Watershed Association, the committee voted to recommend the continued existence of the Choccolocco Watershed Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Choccolocco Watershed Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 221

H.J.R. 281—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF

# THE CHOCTAWHATCHEE WATERSHED CONSERVANCY DISTRICT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Choctawhatchee Watershed Conservancy District; and

WHEREAS, following a review and evaluation relative to the continued existence of the Choctawhatchee Watershed Conservancy District, the committee voted to recommend the continued existence of the Choctawhatchee Watershed Conservancy District; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Choctawhatchee Watershed Conservancy District, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 222

H.J.R. 282—Sunset Committee

## HOUSE JOINT RESOLUTION

### PROVIDING FOR THE CONTINUED EXISTENCE OF THE CODE REVISION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Code Revision Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Code Revision Commission, the committee voted on November 29, 1977, to recommend the continued existence of the Code Revision Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Code Revision Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on

March 22, 1978 without approval by the Governor.

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Act No. 223

H.J.R. 283—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON AGING (DEPARTMENT AND COMMISSION).

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Aging (Department and Commission); and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Aging (Department and Commission), the committee voted to recommend the continued existence of the Commission on Aging (Department and Commission); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Aging (Department and Commission), pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 224

H.J.R. 284—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COMMISSION ON UNIFORM STATE LAWS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Commission on Uniform State Laws; and

WHEREAS, following a review and evaluation relative to the continued existence of the Commission on Uniform State Laws, the committee voted to recommend the continued existence of the

Commission on Uniform State Laws; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Commission on Uniform State Laws, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 225

H.J.R. 286—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CONSUMER PROTECTION AGENCY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Consumer Protection Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Consumer Protection Agency, the committee voted to recommend the continued existence of the Consumer Protection Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Consumer Protection Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 226

H.J.R. 288—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COOSA-ALABAMA DEVELOPMENT AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Coosa-Alabama Development Authority;

and

WHEREAS, following a review and evaluation relative to the continued existence of the Coosa-Alabama Development Authority, the committee voted to recommend the continued existence of the Coosa-Alabama Development Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Coosa-Alabama Development Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 227

H.J.R. 289—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CORPORATION FOR THE BORROWING FOR SCHOOLS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corporation for the Borrowing for Schools; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corporation for the Borrowing for Schools, the committee voted to recommend the continued existence of the Corporation for the Borrowing for Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corporation for the Borrowing for School, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 228

H.J.R. 290—Sunset Committee

### HOUSE JOINT RESOLUTION



**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE CORRECTIONS INSTITUTION FINANCE  
AUTHORITY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Corrections Institution Finance Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Corrections Institution Finance Authority, the committee voted to recommend the continued existence of the Corrections Institution Finance Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Corrections Institution Finance Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 229

H.J.R. 291—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE COUNCIL OF ALABAMA ARCHEOLOGY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Council of Alabama Archeology; and

WHEREAS, following a review and evaluation relative to the continued existence of the Council of Alabama Archeology, the committee voted to recommend the continued existence of the Council of Alabama Archeology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Council of Alabama Archeology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 230

H.J.R. 292—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF COUNCIL TRENHOLM STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Council Trenholm State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Council Trenholm State Technical College, the committee voted to recommend the continued existence of Council Trenholm State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Council Trenholm State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 231

H.J.R. 293—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNTY RECORDS COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the County Records Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the County Records Commission, the committee voted to recommend the continued existence of the County Records Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the County Records Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 232

H.J.R. 294—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CROOKED CREEK WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Crooked Creek Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Crooked Creek Watershed, the committee voted to recommend the continued existence of the Crooked Creek Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Crooked Creek Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 233

H.J.R. 295—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DAUPHIN ISLAND PARK AND BEACH BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Dauphin Island Park and Beach Board;

and

WHEREAS, following a review and evaluation relative to the continued existence of the Dauphin Island Park and Beach Board, the committee voted to recommend the continued existence of the Dauphin Island Park and Beach Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Dauphin Island Park and Beach Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 234

H.J.R. 296—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DEAF AND BLIND INSTITUTE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Deaf and Blind Institute; and

WHEREAS, following a review and evaluation relative to the continued existence of the Deaf and Blind Institute, the committee voted to recommend the continued existence of the Deaf and Blind Institute; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Deaf and Blind Institute, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 235

H.J.R. 299—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE DOCKS ADVISORY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Docks Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Docks Advisory Committee, the committee voted to recommend the continued existence of the Docks Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Docks Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 236

H.J.R. 300—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF DOUGLAS MCARTHUR STATE TECHNICAL COLLEGE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Douglas McArthur State Technical College; and

WHEREAS, following a review and evaluation relative to the continued existence of Douglas MacArthur State Technical College, the committee voted to recommend the continued existence of Douglas MacArthur State Technical College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Douglas MacArthur State Technical College, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 237

H.J.R. 301—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF MEDICAL EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Medical Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Medical Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Medical Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Medical Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 238

H.J.R. 302—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF NURSING AND NURSING ADVISORY  
COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Nursing and Nursing Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Nursing and Nursing Advisory Council, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Nursing and Nursing Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

the Board of Nursing and Nursing Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 239

H.J.R. 303—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF DENTAL EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Dental Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Dental Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Dental Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Dental Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 240

H.J.R. 304—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR THE HEALING ARTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Licensing Board for the Healing Arts; and

WHEREAS, following a review and evaluation relative to the

continued existence of the Licensing Board for the Healing Arts, the committee voted on November 30, 1977, to recommend the continued existence of the Licensing Board for the Healing Arts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Licensing Board for the Healing Arts, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 241

H.J.R. 305—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF OPTOMETRY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Optometry; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Optometry, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Optometry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Optometry, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 242

H.J.R. 306—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR ARCHITECTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"



Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Registration for Architects; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Registration for Architects, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Registration for Architects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Registration for Architects, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 243

H.J.R. 307—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF EXAMINERS OF LANDSCAPE ARCHITECTS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Examiners of Landscape Architects; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Examiners of Landscape Architects, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Examiners of Landscape Architects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Examiners of Landscape Architects, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 244

H.J.R. 308—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD FOR REGISTRATION OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board for Registration of Professional Engineers and Land Surveyors; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Registration of Professional Engineers and Land Surveyors, the committee voted on November 30, 1977, to recommend the continued existence of the Board for Registration of Professional Engineers and Land Surveyors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board for Registration of Professional Engineers and Land Surveyors, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 245

H.J.R. 309—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF REGISTRATION FOR FORESTERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Registration for Foresters; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Registration for Foresters, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Registration for Foresters; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Registration for Foresters, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 246

H.J.R. 310—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE PEACE OFFICERS PERSONNEL STANDARDS AND TRAINING COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Peace Officers Personnel Standards and Training Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Peace Officers Personnel Standards and Training Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Peace Officers Personnel Standards and Training Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Peace Officers Personnel Standards and Training Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 247

H.J.R. 311—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LICENSING BOARD FOR GENERAL CONTRACTORS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Licensing Board for General Contractors; and

WHEREAS, following a review and evaluation relative to the continued existence of the Licensing Board for General Contractors, the committee voted on November 30, 1977, to recommend the continued existence of the Licensing Board for General Contractors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Licensing Board for General Contractors, pursuant to the terms of the "Alabama Sunset Law, of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 248

H.J.R. 312—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ART COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Art Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Art Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Art Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Art Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 249

H.J.R. 313—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF

## THE ALABAMA PUBLIC LIBRARY SERVICE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Public Library Service; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Public Library Service, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Public Library Service; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Public Library Service, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 250

H.J.R. 314—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GULF STATE MARINE FISHERIES COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Gulf State Marine Fisheries Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Gulf State Marine Fisheries Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Gulf State Marine Fisheries Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Gulf State Marine Fisheries Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 251

H.J.R. 315—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BUILDING AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Building Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Building Authority, the committee voted on November 30, 1977, to recommend the continued existence of the Building Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Building Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 252

H.J.R. 316—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE ALABAMA YOUTH COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Youth Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Youth Council, the committee voted on November 30, 1977, to recommend termination of the Alabama Youth Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Youth Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 253

H.J.R. 318—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S ADVISORY COMMITTEE ON PORNOGRAPHY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Governor's Advisory Committee on Pornography; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Advisory Committee on Pornography, the committee voted on November 30, 1977, to recommend the continued existence of the Governor's Advisory Committee on Pornography; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Advisory Committee on Pornography, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 254

H.J.R. 319—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE NATIONAL GOVERNOR'S CONFERENCE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of the National Governor's Conference; and

WHEREAS, following a review and evaluation relative to the continued existence of the National Governor's Conference, the committee voted on November 30, 1977, to recommend the continued existence of the National Governor's Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the National Governor's Conference, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 255

H. 159—Drake

### AN ACT

Relating to Cullman County; to provide that the county governing body of said county shall pay over the proceeds from coal severance taxes collected pursuant to the provisions of Act 598, H. 643, 1977 Regular Session of the Legislature, to the state highway department for the paving **and resurfacing** of county roads in Cullman County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission or other like governing body of Cullman County shall pay over to the state highway department the net proceeds of the coal severance taxes collected during the preceding month pursuant to Act 598, H. 643, 1977 Regular Session of the Legislature. Such proceeds shall be maintained by the state highway department in a separate account and shall be used by such department solely for the purpose of paving and resurfacing county roads in Cullman County.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.



Act No. 256

H. 242—Morris

## AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of Dadeville, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of Dadeville, Alabama are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

Commencing at the NW corner of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Sec. 30, Township 22 North, Range 23 East, Tallapoosa County, Alabama, which is the point of beginning of proposed City Limits of Dadeville, Alabama, Thence East along the North boundary of the South  $\frac{1}{2}$  of the N  $\frac{1}{2}$  of Section 29 and 30, Township 22 North, Range 23 East to the NE corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 29, thence South along the East boundary of said Section 29, and East boundary of Section 32 to its intersection with the present ARC (City Limits) of a 1.5 mile radius, thence along arc, easterly, Southeasterly and Southerly, to its intersection with the North Boundary of Section 10, Township 21 North, Range 23 East, thence East along North boundary of Section 10 and Section 11 to the NE corner of Section 11, Township 21 North, Range 23 East thence South along the East boundary of said Section 11 and Section 14 to the East/west  $\frac{1}{2}$  Section line of Section 14 and thence continue West along the  $\frac{1}{2}$  Section line of Section 14 and thence continue west to the SW corner of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, thence North along the West boundary of the East  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of said Section 15 to its intersection with the center of partially paved and partially unpaved County Road, thence westerly along center of said road approximately 0.8 mile to its intersection with the East boundary of the NE  $\frac{1}{4}$  of Section 16, thence South to the SE corner of said NE  $\frac{1}{4}$  of Section 16, thence South to the SE corner of said NE  $\frac{1}{4}$  of Section 16, thence west along the south boundary of N  $\frac{1}{2}$  of Section 16 and Section 17, then continue West along South boundary of N  $\frac{1}{2}$  of Section 18, 660.0 feet to a point, thence North, parallel with the East boundary of Section 18 to its intersection with the center of Alabama Highway No. 49, thence Northeasterly along center of said highway approximately 792 feet to its intersection with the East boundary of Section 7, thence North along the East boundary of said Section 7, 660.0 feet to a point, thence west parallel with the South Boundary of Section 7 to the West boundary of said Section 7, Township 21 North, Range 23 East, thence North along the west boundary of Section 7 to the SE corner of Section 1, Township 21 North, Range 22 East, thence west along the South boundary of

Section 1 to the NE corner of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 12, Township 21 North, Range 22 East, thence South to the SE corner of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 12, thence West to the SW corner of the NE  $\frac{1}{4}$  of NW  $\frac{1}{4}$  of Section 12, Thence South along the East boundary of the West  $\frac{1}{2}$  of the West  $\frac{1}{2}$  of Section 12, to its intersection with the high-water line of Lake Martin, thence Southerly, westerly and northerly along high-water line to its intersection with a point 660.0 feet East of the West boundary of Section 12 approximately 900 feet to the South boundary of Section 1, Township 21 North, Range 22 East thence west to the SW corner of Section 1, thence North along west boundary of Section 1 to the East-west  $\frac{1}{2}$  Section line of Section 1, thence East to the West boundary of Section 6, Township 21 North, Range 23 East, thence North along the West boundary of Section 6, Township 21 North, Range 23 East, and the west boundary of Section 31 and Section 30, Township 22 North, Range 23 East to the point of beginning.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 257

H. 104—McCulley

### AN ACT

Relating to Washington County; giving the county governing body certain powers in regard to constructing and maintaining and repairing certain roads and rights-of-way leading to private dwellings.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county governing body of Washington County is hereby authorized and empowered in its discretion to construct, repair and maintain at county expense any road or driveway, exclusive of bridges and cattle gaps, leading from a public road to the residence of an abutting landowner which is in existence on the effective date of this act. No driveway or road to a residence constructed after the effective date of this act shall be constructed, repaired or maintained beyond a distance of one-fourth mile from a public road to such residence. Provided, however, no construction, repairing or maintaining of roads or driveways shall extend beyond any locked gate on the premises and no asphalt, cement, slag or other surfacing material, other than gravel, shall be used on private

roads and driveways in Washington County.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 258

H. 312—Baker, Whatley

### AN ACT

Relating to Russell County; to further regulate voter registration; to provide for the suspension of the voter's registration and rights when a registered voter fails to vote in at least one election for which he was eligible, held during the preceding four (4) years; and to provide for the reidentification procedure for such person.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Russell County at every general, special or primary election, the probate judge must distribute to each polling place a voter signature book to be signed by each person voting at the election. Beside each space intended for a voter's signature shall be a suitable blank space for the current address and telephone number of the voter, and the voter shall be instructed to supply this information when he signs the book. After the period for contests of elections has elapsed, the book shall be delivered to the board of registrars to become part of the records of that board and shall be retained for four years from the date of receipt.

**Section 2.** Suspension of Registration. The board of registrars shall establish a method of recording, by comparison of the voter signature book with the registered voter list, whether each registered voter in the county has voted or failed to vote in any election held after the effective date of this Act. After the general election of 1982 and each general election thereafter the boards of registrars shall suspend the registration and remove from the registered voters list the names of those registered voters who have failed to vote in at least one election for which they were registered, held during the preceding four years provided proper notice is given as hereinafter required. A record of all suspensions under this section shall be maintained by the board.

**Section 3. Notice to Voters Suspended.** (a) The board shall make a diligent effort to give notice to each voter whose registration is to be suspended by any procedure which is reasonably designed to give personal notice to the voter.

(b) The name of each voter who cannot be located at the address given in the records of the board shall be published in a newspaper of general circulation within the county with notice that the registration of each of these voters will be suspended unless the person reidentifies himself.

**Section 4. Reidentification Procedure.** Any voter notified that his registration is to be suspended may within 60 days after such notice reidentify himself by one of the following methods:

(a) The voter may reidentify by appearing in person before the board of registrars or any person authorized to act instead of the board and by giving notice of his current residence.

(b) The voter may reidentify by mailing a signed statement of intent to reidentify to the board or any person authorized to act instead of the board and by giving notice of his current residence. The board may prescribe forms and postcards for voters to use for reidentification.

**Section 5. Suspended Voter Removed from Registered Voter List; Reregistration Required.** If a voter does not reidentify himself within 60 days of notice of intent of the board to suspend him, his registration shall be automatically suspended and his name shall be removed from the registered voter list. Any voter thus suspended must reregister in order to regain his status as a registered elector of the county.

**Section 6.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 8.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise specified herein.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4 of Act No. 182, H. 439, Regular Session 1977, is hereby amended to read as follows:

"Section 4. Each member of the board of registrars shall receive the same compensation as provided for regular sessions of the board for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only per diem allowance for one day's service. If one or more of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and commissioner of Agriculture and Industries, or a majority of them shall forthwhile make other appointments to fill such vacancies.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 260

H. 316—Hill, Greer, Coburn

### AN ACT

Relating to the City of Florence in Lauderdale County; waiving certain city taxes on certain annexed farm land.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The City Commission of Florence, Alabama, is hereby empowered to waive city taxes on annexed farm property; so that the residential dwelling on the property and one acre of land shall be taxed at the regular city tax rates, but the remainder of the land used as farm and agricultural property shall be exempt from city taxes.

**Section 2.** If and when said land is sold for, or is used for, non-agricultural purposes, then city taxes for the three years preceding such sale shall be assessed against the property to be paid by the

purchasers, or by the owner in the case of change in use of the property.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 261

H. 317—Smith (M), Ward, Turnham  
AN ACT

To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," is hereby amended to read as follows:

"Section 2. In addition to any and all other compensation and salary provided for by law, the members of the county commission of counties to which this act applies shall be entitled to receive an additional compensation of \$100 per month paid out of any county fund or funds, including the road and bridge fund."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

Act No. 262

H. 353—Baker, Whatley

## AN ACT

Relating to Russell County; amending Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663), so as to include in the taxing and collection of law library fees court costs in cases docketed in the district court.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 925, H. 1333, 1969 Regular Session (Acts of 1969, p. 1663) is hereby amended to read as follows:

“Section 1. In any case, action or proceeding hereafter filed, whether at law or in equity in the circuit court of Russell County or in the district court of Russell County, there is hereby authorized to be charged a tax of \$2.00 which tax shall be in addition to all other court costs heretofore authorized to be charged. The costs taxed under this act shall be collected as other costs in such cases are collected, and when collected by the clerks or other collecting officers of such courts (including the register of the circuit court) shall be by them paid over to the treasurer or depository of Russell County for deposit in the county treasury. The sums so paid over to the county treasurer or depository shall be maintained in a separate fund in the county treasury, designated as the Russell County law library fund, and shall be expended by the judge of the circuit court of Russell County for establishing, maintaining, equipping, and operating a law library in the courthouse at Phenix City, such funds to be expended, in the discretion of the judge, to provide furniture, fixtures, supplies and equipment for the library, and to keep the same in a good state of maintenance and repair; to establish, enlarge, expand, and improve the library and its facilities and equipment; to provide books, reports and periodicals for the library, and to pay the compensation of such personnel as may be necessary and proper, in the opinion of the judge, to operate the library. Said judge shall be authorized to appoint either the register or the clerk of the circuit court to be librarian. The judge of the circuit court shall draw warrants on the county treasury in making expenditures for the purposes contemplated in this act, and shall indicate on the warrants the fund against which the warrants are drawn. The said items of costs above referred to shall be designated as law library fee. On or before the tenth day of each month, the clerks or other collecting officers of the respective courts (including the register of the circuit court) shall pay over to the county treasurer or depository all amounts collected as law library fees previously to the first day of the month. The management of the law library is vested in the judge of the circuit court of Russell County, and all books, periodicals, reports and personal property purchased with the funds produced by this act shall be the property of Russell County, Alabama; provided, however, that said judge

may from time to time sell or exchange such books, reports, periodicals, and personal property as may be necessary to keep said library up to date and apply the proceeds of the sale thereof or the value thereof upon the purchase of other books, reports, periodicals, and personal property for use in said library. The judge may accept any gift or loan of any books, reports, periodicals, and other property for public use in said library upon such terms and conditions as may be stipulated by the donor or lender thereof and as may be agreeable to the said judge."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 263

H. 387—Turnham, Ward

### AN ACT

To provide a county salary supplement for the circuit judges of the thirty-seventh judicial circuit to be paid by the county composing said circuit, to require certain contributions of said judges who participate in the county retirement system, and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county governing body of the county comprising the 37th judicial circuit is hereby authorized, empowered, and directed to pay a county salary supplement of \$4,300.00 per annum to each circuit judge of the 37th judicial circuit. The supplement hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury, shall be in addition to the salary paid such judges by the State of Alabama, and shall be in addition to any other county expense allowance or supplement heretofore provided by law which is payable from the county.

**Section 2.** It is further provided that any circuit judge receiving the county supplement hereby provided who is also eligible to participate in any county retirement system of the county comprising the 37th judicial circuit, shall contribute payments to said county retirement system in the same ratio as other county employees are required to contribute, based upon the annual amount of county supplemental compensation received by such judges.

**Section 3.** The provisions of this act are severable. If any part



of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 264

H. 413—Campbell

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Toxey in Choctaw County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Toxey in Choctaw County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

The S  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of Section 20, Township 11 North, Range 3 West, Choctaw County Alabama.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on March 22, 1978 without approval by the Governor.

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Act No. 265

H.J.R. 320—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE GOVERNOR'S COST CONTROL SURVEY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received

testimony from the public and all interested parties relating to the continued existence of the Governor's Cost Control Survey; and

WHEREAS, following a review and evaluation relative to the continued existence of the Governor's Cost Control Survey, the committee voted on November 30, 1977, to recommend the continued existence of the Governor's Cost Control Survey; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Governor's Cost Control Survey, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 266

H.J.R. 321—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE SOUTHERN GROWTH POLICIES BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Growth Policies Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Southern Growth Policies Board, the committee voted on November 30, 1977, to recommend the continued existence of the Southern Growth Policies Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Southern Growth Policies Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 267

H.J.R. 322—Sunset Committee

#### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE UNIVERSITY OF SOUTH ALABAMA.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of South Alabama; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of South Alabama, the committee voted on November 30, 1977, to recommend the continued existence of the University of South Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of South Alabama, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.



Act No. 268

H.J.R. 323—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE UNIVERSITY OF SOUTH ALABAMA MEDICAL  
SCHOOL AND TEACHING HOSPITAL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of South Alabama Medical School and Teaching Hospital; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of South Alabama Medical School and Teaching Hospital, the committee voted on November 30, 1977, to recommend the continued existence of the University of South Alabama Medical School and Teaching Hospital; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of South Alabama Medical School and Teaching Hospital, pursuant to the terms of the "Alabama Sunset Law of

1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 269

H.J.R. 324—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MARINE ENVIRONMENTAL SCIENCES CONSORTIUM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Marine Environmental Sciences Consortium; and

WHEREAS, following a review and evaluation relative to the continued existence of the Marine Environmental Sciences Consortium, the committee voted on November 30, 1977, to recommend the continued existence of the Marine Environmental Sciences Consortium; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Marine Environmental Sciences Consortium, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 270

H.J.R. 325—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF BARBER EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Barber Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Barber Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Barber Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Barber Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 271

H.J.R. 326—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF CERTIFICATION OF WATER AND WASTE WATER SYSTEM PERSONNEL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Certification of Water and Waste Water System Personnel; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Certification of Water and Waste Water System Personnel, the committee voted on November, 30, 1977, to recommend the continued existence of the Board of Certification of Water and Waste Water System Personnel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Certification of Water and Waste Water System Personnel, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 272

H.J.R. 327—Sunset Committee

#### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE EXAMINERS OF MINE PERSONNEL.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Examiners of Mine Personnel; and

WHEREAS, following a review and evaluation relative to the continued existence of the Examiners of Mine Personnel, the committee voted on November 30, 1977, to recommend the continued existence of the Examiners of Mine Personnel; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Examiners of Mine Personnel, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 273

H.J.R. 328—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOARD OF PUBLIC ACCOUNTANCY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Public Accountancy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Public Accountancy, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Public Accountancy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Public Accountancy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 274

H.J.R. 329—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF PHARMACY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Pharmacy; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Pharmacy, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Pharmacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Pharmacy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 275

H.J.R. 330—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF HEARING AID DEALERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Hearing Aid Dealers; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Hearing Aid Dealers, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Hearing Aid Dealers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Hearing Aid Dealers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 276

H.J.R. 331—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL OF STATE GOVERNMENTS.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Council of State Governments; and

WHEREAS, following a review and evaluation relative to the continued existence of the Council of State Governments, the committee voted on November 30, 1977, to recommend the continued existence of the Council of State Governments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Council of State Governments, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 277

H.J.R. 333—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE LINE CREEK WATERSHED CONSERVANCY DISTRICT.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Line Creek Watershed Conservancy District; and

WHEREAS, following a review and evaluation relative to the continued existence of the Line Creek Watershed Conservancy



District, the committee voted on November 30, 1977, to recommend the continued existence of the Line Creek Watershed Conservancy District; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Line Creek Watershed Conservancy District, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 278

H.J.R. 334—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE KETCHEPEDRAKEE CREEK WATERSHED CONSERVANCY DISTRICT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Ketchepedrakee Creek Watershed Conservancy District; and

WHEREAS, following a review and evaluation relative to the continued existence of the Ketchepedrakee Creek Watershed Conservancy District, the committee voted on November 30, 1977, to recommend the continued existence of the Ketchepedrakee Creek Watershed Conservancy District; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Ketchepedrakee Creek Watershed Conservancy District, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 279

H.J.R. 335—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE VETERANS TRAINING BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Veterans Training Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Veterans Training Board, the committee voted on November 30, 1977, to recommend termination of the Veterans Training Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Veterans Training Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 280

H.J.R. 336—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE PREVAILING WAGE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Prevailing Wage Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Prevailing Wage Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Prevailing Wage Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Prevailing Wage Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 281

H.J.R. 337—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF MEDIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Mediation; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Mediation, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Mediation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Mediation, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 282

H.J.R. 338—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE INDUSTRIAL SECURITIES ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Industrial Securities Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Industrial Securities Advisory Council, the committee voted on November 30, 1977, to recommend the continued existence of the Industrial Securities Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Industrial Securities Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular

Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 283

H.J.R. 339—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ENERGY ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Energy Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Energy Advisory Council, the committee voted on November 30, 1977, to recommend the continued existence of the Energy Advisory Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Energy Advisory Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 284

H.J.R. 340—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE CIVIL AIR PATROL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Civil Air Patrol; and

WHEREAS, following a review and evaluation relative to the continued existence of the Civil Air Patrol, the committee voted on November 30, 1977, to recommend the continued existence of the Civil Air Patrol; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Civil Air Patrol, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 285

H.J.R. 341—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE BOND COMMISSION FOR CONSTRUCTION OF MENTAL HEALTH FACILITIES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Bond Commission for Construction of Mental Health Facilities; and

WHEREAS, following a review and evaluation relative to the continued existence of the Bond Commission for Construction of Mental Health Facilities, the committee voted on November 30, 1977, to recommend the continued existence of the Bond Commission for Construction of Mental Health Facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Bond Commission for Construction of Mental Health Facilities, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 286

H.J.R. 342—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA TRADE SCHOOL AND JUNIOR COLLEGE AUTHORITY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Trade School and Junior College Authority; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Trade School and Junior College Authority, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Trade School and Junior College Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Trade School and Junior College Authority, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 287

H.J.R. 343—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE WHITE HOUSE OF THE CONFEDERACY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the White House of the Confederacy; and

WHEREAS, following a review and evaluation relative to the continued existence of the White House of the Confederacy, the committee voted on November 30, 1977, to recommend the continued existence of the White House of the Confederacy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the White House of the Confederacy, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 288

H.J.R. 344—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE  
ADVISORY COMMITTEE ON FACTORY BUILT HOUSING.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Committee on Factory Built Housing; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Committee on Factory Built Housing, the committee voted on November 30, 1977, to recommend termination of the Advisory Committee on Factory Built Housing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Committee on Factory Built Housing, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 289

H.J.R. 345—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE ALABAMA MILITARY HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Military Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Military Hall of Fame, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Military Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Military Hall of Fame, pursuant to the terms of the

"Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 290

H.J.R. 346—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Firefighters Personnel Standards and Education Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Firefighters Personnel Standards and Education Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Firefighters Personnel Standards and Education Commission; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Firefighters Personnel Standards and Education Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 291

H.J.R. 347—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE REGISTRATION FOR SANITARIANS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Registration for Sanitarians; and

WHEREAS, following a review and evaluation relative to the



continued existence of the Registration for Sanitarians, the committee voted on November 30, 1977, to recommend the continued existence of the Registration for Sanitarians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Registration for Sanitarians, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 292

H.J.R. 348—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF EXAMINERS IN PSYCHOLOGY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Board of Examiners in Psychology; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Board of Examiners in Psychology, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Board of Examiners in Psychology; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Board of Examiners in Psychology, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 293

H.J.R. 349—Sunset Committee

### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE BOARD OF MEDICAL TECHNICIANS EXAMINERS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Medical Technicians Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Medical Technicians Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the Board of Medical Technicians Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Medical Technicians Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 294

H.J.R. 350—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE STATE BOARD OF PODIATRY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Podiatry; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Podiatry, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Podiatry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Podiatry, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 295

H.J.R. 351—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COUNCIL ON HISTORIC PILGRIMAGES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Council on Historic Pilgrimages; and

WHEREAS, following a review and evaluation relative to the continued existence of the Council on Historic Pilgrimages, the committee voted on November 30, 1977, to recommend the continued existence of the Council on Historic Pilgrimages; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Council on Historic Pilgrimages, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 296

H.J.R. 352—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE HISTORIC RESOURCES ADAPTORS COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Historic Resources Adaptors Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Historic Resources Adaptors Council, the committee voted on November 30, 1977, to recommend the continued existence of the Historic Resources Adaptors Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Historic Resources Adaptors Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular

Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 297

H.J.R. 353—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE STATE PERSONNEL SAFETY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Personnel Safety Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Personnel Safety Committee, the committee voted on November 30, 1977, to recommend termination of the State Personnel Safety Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Personnel Safety Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 298

H.J.R. 354—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE JOHN WILL SCHOLARSHIP.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the John Will Scholarship; and

WHEREAS, following a review and evaluation relative to the continued existence of the John Will Scholarship, the committee voted on November 30, 1977, to recommend the continued existence of the John Will Scholarship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the John Will Scholarship, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 299

H.J.R. 355—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE BOARD OF CANVASSERS OF ELECTION RETURNS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Board of Canvassers Election Returns; and

WHEREAS, following a review and evaluation relative to the continued existence of the Board of Canvassers of Election Returns, the committee voted on November 30, 1977, to recommend the termination of the Board of Canvassers of Election Returns; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Board of Canvassers of Election Returns, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 300

H.J.R. 356—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE CONSUMER ADVISORY COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the

continued existence of the Consumer Advisory Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Consumer Advisory Council, the committee voted on November 30, 1977, to recommend termination of the Consumer Advisory Council; now therefore, —

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Consumer Advisory Council, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 301

H.J.R. 357—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF PHYSICAL THERAPY.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Physical Therapy; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Physical Therapy, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Physical Therapy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Physical Therapy, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 302

H.J.R. 358—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA REAL ESTATE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Real Estate Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Real Estate Commission, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Real Estate Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Real Estate Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 303

H.J.R. 359—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF POLYGRAPH EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Polygraph Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Polygraph Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Polygraph Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Polygraph Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 304

H.J.R. 360—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA STATE BAR AND ALABAMA BOARD OF BAR EXAMINERS.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama State Bar and Alabama Board of Bar Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama State Bar and Alabama Board of Bar Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama State Bar and Alabama Board of Bar Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama State Bar and Alabama Board of Bar Examiners, pursuant to the terms of the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 305

H.J.R. 361—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATION.

WHEREAS, pursuant to the “Alabama Sunset Law of 1976,” Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Examiners of Nursing Home Administration; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Examiners of Nursing Home Administration, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Examiners of Nursing Home Administration; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Examiners of Nursing Home Administration, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 306

H.J.R. 362—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE MOTOR SPORTS HALL OF FAME.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Motor Sports Hall of Fame; and

WHEREAS, following a review and evaluation relative to the continued existence of the Motor Sports Hall of Fame, the committee voted on November 30, 1977, to recommend the continued existence of the Motor Sports Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Motor Sports Hall of Fame, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 307

H.J.R. 363—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ORGANIZED CRIME CONTROL COUNCIL.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Organized Crime Control Council; and

WHEREAS, following a review and evaluation relative to the continued existence of the Organized Crime Control Council, the committee voted on November 30, 1977, to recommend the continued existence of the Organized Crime Control Council; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Organized Crime Control Council, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 308

H.J.R. 364—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE TALLASSEEHATCHEE WATERSHED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Tallasseehatchee Watershed; and

WHEREAS, following a review and evaluation relative to the continued existence of the Tallasseehatchee Watershed, the committee voted on November 30, 1977, to recommend the continued existence of the Tallasseehatchee Watershed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Tallasseehatchee Watershed, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 309

H.J.R. 365—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF

# THE PEA RIVER HISTORICAL AND GENEALOGICAL SOCIETY.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Pea River Historical and Genealogical Society; and

WHEREAS, following a review and evaluation relative to the continued existence of the Pea River Historical and Genealogical Society, the committee voted on November 30, 1977, to recommend the continued existence of the Pea River Historical and Genealogical Society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Pea River Historical and Genealogical Society, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 310

H.J.R. 366—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE OFFICE OF EMERGENCY PLANNING.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Office of Emergency Planning; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Office of Emergency Planning, the committee voted on November 30, 1977, to recommend the continued existence of the State Office of Emergency Planning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Office of Emergency Planning, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 311

H.J.R. 368—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Education, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 312

H.J.R. 369—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE DEPARTMENT OF EDUCATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Department of Education; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Department of Education, the committee voted on November 30, 1977, to recommend the continued existence of the State Department of Education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Department of Education, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 313

H.J.R. 370—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ADVISORY COUNCIL FOR THE GOVERNOR'S COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Council for the Governor's Committee on the Employment of the Handicapped; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Council for the Governor's Committee on the Employment of the Handicapped, the committee voted on November 30, 1977, to recommend the continued existence of the Governor's Committee on the Employment of the Handicapped; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Council for the Governor's Committee on the Employment of the Handicapped, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 314

H.J.R. 371—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE TEXTBOOK COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976,"

Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Textbook Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Textbook Commission, the committee voted on November 30, 1977, to recommend the continued existence of the State Textbook Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Textbook Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 315

H.J.R. 372—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE COURSES OF STUDY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Courses of Study Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Courses of Study Committee, the committee voted on November 30, 1977, to recommend the continued existence of the Courses of Study Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Courses of Study Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 316

H.J.R. 373—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE SOUTHERN REGIONAL EDUCATION BOARD.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Southern Regional Education Board; and

WHEREAS, following a review and evaluation relative to the continued existence of the Southern Regional Education Board, the committee voted on November 30, 1977, to recommend the continued existence of the Southern Regional Education Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Southern Regional Educational Board, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 317

H.J.R. 374—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF  
THE HIGH SCHOOL ATHLETIC ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the High School Athletic Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the High School Athletic Association, the committee voted on November 30, 1977, to recommend the continued existence of the High School Athletic Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the High School Athletic Association, pursuant to the terms of the

"Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 318

H.J.R. 375—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE MOBILE COUNTY SEAFOODS ADVISORY COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Mobile County Seafoods Advisory Committee; and

WHEREAS, following a review and evaluation relative to the continued existence of the Mobile County Seafoods Advisory Committee, the committee voted on November 30, 1977, to recommend termination of the Mobile County Seafoods Advisory Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Mobile County Seafoods Advisory Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 319

H.J.R. 376—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE STUDENT LEADERSHIP COMMITTEE.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Student Leadership Committee; and

WHEREAS, following a review and evaluation relative to the



continued existence of the Student Leadership Committee, the committee voted on November 30, 1977, to recommend termination of the Student Leadership Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Student Leadership Committee, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 320

H.J.R. 377—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE TERMINATION OF THE ALABAMA INTER-DEPARTMENTAL COORDINATING COMMITTEE FOR EARLY CHILDHOOD DEVELOPMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development, the committee voted on November 30, 1977, to recommend termination of the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Inter-Departmental Coordinating Committee for Early Childhood Development, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 321

H.J.R. 378—Sunset Committee

#### HOUSE JOINT RESOLUTION

**PROVIDING FOR THE TERMINATION OF THE ALABAMA COMMUNITY AND TECHNICAL SERVICES AGENCY.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Community and Technical Services Agency; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Community and Technical Services Agency, the committee voted on November 30, 1977, to recommend termination of the Alabama Community and Technical Services Agency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Community and Technical Services Agency, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 322

H.J.R. 379—Sunset Committee

**HOUSE JOINT RESOLUTION**

**PROVIDING FOR THE TERMINATION OF THE ADVISORY BOARD OF INDIAN AFFAIRS.**

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Advisory Board of Indian Affairs; and

WHEREAS, following a review and evaluation relative to the continued existence of the Advisory Board of Indian Affairs, the committee voted on November 30, 1977, to recommend termination of the Advisory Board of Indian Affairs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Advisory Board of Indian Affairs, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby terminated.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 323

H.J.R. 380—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE SUPREME COURT LIBRARY FUND.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Supreme Court Library Fund; and

WHEREAS, following a review and evaluation relative to the continued existence of the Supreme Court Library Fund, the committee voted on November 30, 1977, to recommend the continued existence of the Supreme Court Library Fund; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Supreme Court Library Fund, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 324

H.J.R. 381—Sunset Committee

### HOUSE JOINT RESOLUTION

#### PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIFIED JUDICIAL SYSTEM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Unified Judicial System; and

WHEREAS, following a review and evaluation relative to the continued existence of the Unified Judicial System, the committee voted on November 30, 1977, to recommend the continued existence of the Unified Judicial System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Unified Judicial System, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 325

H.J.R. 382—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUANCE OF COURT MANAGEMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of Court Management; and

WHEREAS, following a review and evaluation relative to the continued existence of the Court Management, the committee voted on November 30, 1977, to recommend continuance of Court Management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Court Management, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 326

H.J.R. 383—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE JUDICIAL RETIREMENT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Judicial Retirement; and

WHEREAS, following a review and evaluation relative to the continued existence of the Judicial Retirement, the committee voted on November 30, 1977, to recommend the continued existence of the Judicial Retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Judicial Retirement, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 327

H.J.R. 384—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE INTERSTATE MINING COMPACT.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Interstate Mining Compact; and

WHEREAS, following a review and evaluation relative to the continued existence of the Interstate Mining Compact, the committee voted on November 30, 1977, to recommend the continued existence of the Interstate Mining Compact; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Interstate Mining Compact, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 328

H.J.R. 385—Sunset Committee

#### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE ALABAMA BOARD OF FUNERAL SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Alabama Board of Funeral Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Alabama Board of Funeral Services, the committee voted on November 30, 1977, to recommend the continued existence of the Alabama Board of Funeral Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Board of Funeral Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 329

H.J.R. 386—Sunset Committee

### HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE BOARD OF CHIROPRACTIC EXAMINERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Chiropractic Examiners; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Chiropractic Examiners, the committee voted on November 30, 1977, to recommend the continued existence of the State Board of Chiropractic Examiners; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Chiropractic Examiners, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 330

H.J.R. 387—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE UNIVERSITY OF ALABAMA MUSEUM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the University of Alabama Museum; and

WHEREAS, following a review and evaluation relative to the continued existence of the University of Alabama Museum, the committee voted on November 30, 1977, to recommend the continued existence of the University of Alabama Museum; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama Museum, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

Act No. 331

H.J.R. 388—Sunset Committee

## HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUED EXISTENCE OF THE STATE PILOTAGE COMMISSION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Pilotage Commission; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Pilotage Commission, the committee voted on November 30, 1977, to recommend the continued existence of the State Pilotage Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Pilotage Commission, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session,

be continued in existence.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 332

H.J.R. 124—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUATION OF THE RIVERBOAT ASSOCIATION.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Riverboat Association; and

WHEREAS, following a review and evaluation relative to the continued existence of the Riverboat Association, the committee voted to recommend continuation of the Riverboat Association; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Riverboat Association, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 333

H.J.R. 298—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUATION OF THE DEPARTMENT AND BOARD OF YOUTH SERVICES.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Department and Board of Youth Services; and

WHEREAS, following a review and evaluation relative to the continued existence of the Department and Board of Youth



Services, the committee voted to recommend continuation of the Department and Board of Youth Services; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department and Board of Youth Services, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 334

H.J.R. 332—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUATION OF THE LEGISLATIVE TECHNICAL ASSISTANCE PROGRAM.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the Legislative Technical Assistance Program; and

WHEREAS, following a review and evaluation relative to the continued existence of the Legislative Technical Assistance Program, the committee voted on November 30, 1977, to recommend continuation of the Legislative Technical Assistance Program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Technical Assistance Program, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 335

H.J.R. 135—Sunset Committee

HOUSE JOINT RESOLUTION

PROVIDING FOR THE CONTINUATION OF THE STATE BOARD OF AUCTIONEERS.

WHEREAS, pursuant to the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, the committee provided for therein entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence of the State Board of Auctioneers; and

WHEREAS, following a review and evaluation relative to the continued existence of the State Board of Auctioneers, the committee voted to recommend continuation of the State Board of Auctioneers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Board of Auctioneers, pursuant to the terms of the "Alabama Sunset Law of 1976," Act No. 512, 1976 Regular Session, is hereby continued.

This Act became a law under Section 125 of the Constitution on March 29, 1978 without approval by the Governor.

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Act No. 336      S.J.R. 331—Little, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

#### SENATE JOINT RESOLUTION

HONORING DR. JAMES E. FOY UPON HIS RETIREMENT AS DEAN OF STUDENT AFFAIRS, AUBURN UNIVERSITY.

WHEREAS, the Legislature of Alabama has noted the announced retirement on March 1, 1978, of Dr. James E. Foy, dean of Student Affairs at Auburn University; and

WHEREAS, Dean Foy has been a vital influence in the lives of Auburn students for the past 27 years, giving impetus to many programs and activities which have played a large part in the total development of students; and

WHEREAS, few people have so exemplified the Auburn Spirit as Dean Foy, through his sincere interest in students and his willingness to give of himself in perpetuating that quality of the Auburn student body; and

WHEREAS, although Dr. Foy has been Dean of Student Affairs at Auburn University since 1952, he completed work for the doctorate at Michigan State University in 1969, and at that time acquired the joint title of Dean of Student Affairs and associate professor of counselor education, teaching several courses in that department; and

WHEREAS, Dean Foy has gained the admiration and recognition not only of students but of his peers nationwide as a leader in civic and professional organizations, as well as his church; serving four times as regional vice president of the National Association of Student Personnel Administrators, as president of the Alabama Council of Student Personnel Educators, as chairman of the Southern Deans, and since 1953, as Grand Secretary of Phi Eta Sigma, freshman honorary; and

WHEREAS, Dean Foy was awarded with the highest recognition attainable in his profession in 1975 when he was awarded the Scott Goodnight Award of Honor, and has twice received the Award of Honor from the American Red Cross for his efforts in leading students at Auburn University to establish several world records for donating blood, and is himself a seven-gallon donor; and

WHEREAS, Dean Foy is also a recipient of the Algernon Sydney Sullivan Award which recognizes characteristics of heart and mind in spirit of devotion and helpfulness to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. James E. Foy on his distinguished career as an outstanding educator and human being, and extend our sincere best wishes for continued success in all future endeavors.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to Dr. Foy as evidence of our admiration and esteem.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 337      S.J.R. 336—Fine, Powell, Adams, Baker, Bank,  
Clemon, Edwards, Ellis, Gilmore,  
Goodwin, Higginbotham, Jones, King,  
Little, McDonald (A), McDonald (S),  
McMillan, Miller, Mims, Mitchell,

Noonan, Owen, Pearson, Peden,  
Perloff, Perry, Proctor, Roberts,  
St. John, Shelby, Stewart, Teague,  
Vacca, Waldrop, and Wilson

### SENATE JOINT RESOLUTION

#### A RESOLUTION HONORING THE MEMORY OF EARL CLAYTON PIPPIN.

WHEREAS, Earl Pippin lived and worked among us in a manner and fashion that was of benefit to all of us; and,

WHEREAS, Earl Pippin accepted error as a condition of Life, yet strived extremely hard to prevent error; and,

WHEREAS, Earl Pippin believed that nothing but courage can guide life; and, that a person who has never been in danger can hardly answer for his courage; and,

WHEREAS, Earl Pippin saw adversity as a source of strength, and activity as the only real road to knowledge; and,

WHEREAS, Earl Pippin believed that it is not truth that makes the man great, but the man that makes truth great; and

WHEREAS, Earl Pippin believed the best way to know God is to love his fellowman; and,

WHEREAS, Earl Pippin did not see people as big or little, rich or poor, but human beings with a promise of equal opportunity.

NOW, THEREFORE, the Alabama Senate and the Alabama House of Representatives do hereby resolve that the memory of this good man and what he stood for shall not be forgotten and urge others of courage and conviction to emulate his humanitarian concerns and actions.

BE IT FURTHER RESOLVED That a copy be sent to his widow, Louise Pippin.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 338

S.J.R. 340—King, Baker and McDonald (A)

### SENATE JOINT RESOLUTION

#### COMMEND THE GRISSOM HIGH SCHOOL BAND FOR SUPERIOR PERFORMANCE AND HONORS RECEIVED.

WHEREAS, The Alabama Legislature has learned with pride and pleasure that the Grissom High School Band of Huntsville,

Alabama, was named by the National Band Association one of the top five marching bands, as well as one of the top five concert bands, in the nation; and

WHEREAS, the Grissom High School band, under the talented leadership and tutelage of Director David W. Ward and his assistant director, James R. Sparks, was one of only 50 school bands in the country invited to compete for the honor, invitations being based on previous contest records; the band competed in two separate contests, one for marching and the other in concert, and received "top five" placement designations in both competitions; and

WHEREAS, further, this fine Alabama high school honor band will play in concert in Knoxville, Tennessee, in June, 1978, at the National Band Association convention; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate and highly commend the Grissom High School Band of Huntsville, Alabama, on attaining national recognition while so capably representing our state.

BE IT RESOLVED, That a copy of this resolution be sent to Band Director David W. Ward on behalf of his band and one to Principal Sidney Ingram for appropriate school display.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 339      S.J.R. 342—Fine, Adams, Baker, Bank, Clemon, Edwards, Ellis, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Pery, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

#### SENATE JOINT RESOLUTION

COMMENDING REX THOMAS FOR HIS 35 YEARS OF SERVICE WITH THE ASSOCIATED PRESS.

WHEREAS, It has come to the attention of the Legislature that our friend of long standing, Rex Thomas, was presented last week with a 35-year service award from the Associated Press; and

WHEREAS, Rex Thomas, born September 23, 1914, in St. Joseph, Missouri, began his newspaper career in 1931 with the St. Joseph GAZETTE, 47 years ago; and

WHEREAS, Rex began work with the Birmingham NEWS in the 1930's, joining the Associated Press in 1942; he was transferred to the Montgomery Bureau in 1944, and has been here ever since; and

WHEREAS, In a tribute to him by his UPI competitor in 1967, he referred to Rex as "the best all-round newspaperman I have ever known"; his talents as a thorough, wise and articulate newspaperman are matched only by his talents as a fisherman; and

WHEREAS, He is a deacon at Memorial Presbyterian Church and very active in church affairs; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we are grateful for the long years of service to the AP for which Rex Thomas received this well-deserved recognition; he is truly the Dean of the Capitol Press Corps, and has at all times covered the activity on Capitol Hill with fairness, accuracy and integrity.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to Mr. Thomas and to the Montgomery office of the Associated Press.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 340

S.J.R. 344—Owen

### SENATE JOINT RESOLUTION

MOURNING THE DEATH OF DR. GEORGE B. HALLIDAY, PROMINENT BAY MINETTE PHYSICIAN.

WHEREAS, the Alabama Legislature has noted the regretful and untimely death of Dr. George B. Halliday of Bay Minette, Alabama, on November 24, 1977, at the early age of 54; and

WHEREAS, a native of Mobile, Dr. Halliday was a veteran of World War II and had served the citizens of Bay Minette and the surrounding areas for many years in his private practice of medicine; and

WHEREAS, Dr. Halliday was a beloved and compassionate physician, dedicated to his profession, sensitive to the needs of his patients and deeply aware of his responsibilities in ministering to their physical and total well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do grievously mourn the death of Dr. George B. Halliday of Bay Minette, Alabama; we express our deep and sincere sympathy to his family and direct that a copy of this resolution be sent to his wife, Mrs. Mary Anne Halliday, and to their children, that they may know of our abiding concern for them in their time of sorrow.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 341

S.J.R. 346—Owen

#### SENATE JOINT RESOLUTION

MOURNING THE DEATH OF SAMUEL CLAY PRUETTE, FORMER MAYOR OF BAY MINETTE.

WHEREAS, the Legislature of Alabama notes with deep regret the death of Samuel Clay Pruette on November 21, 1977, in Bay Minette, Alabama, at the age of 72; and

WHEREAS, Mr. Pruette was a native of Grove Hill, Clarke County, Alabama, and a veteran of World War II, who had retired from the automobile sales business in 1955 when he ran for mayor of Bay Minette; and

WHEREAS, he defeated the incumbent mayor in one of the largest voter turnouts ever recorded in Bay Minette, and was to serve in mayoralty until his retirement in 1975 after 19 years of providing astute and dedicated direction for his city; and

WHEREAS, Mayor Pruette, a beloved and influential leader in the life of his community, is indeed sorely missed by his family, his many friends, and by all those whom he so devotedly served; now therefore,

BE IT RESOLVED BY THE LEGISLAURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do greatly mourn the death of Samuel Clay Pruette of Bay Minette, Baldwin County, Alabama, and direct that a copy of this resolution be sent to his wife, Mrs. Louise F. Pruette, so that she and other family members might know of our deep sorrow and regret.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 342

S. 352—Perry, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

## SENATE JOINT RESOLUTION

HONORING PEARLE E. GAMMELL, RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure that, on October 8, 1977, the late Pearle E. Gammell, former editor and publisher of *The Clayton Record*, was inducted into the Alabama Newspaper Hall of Honor, thereby joining a truly select group of members of the press so honored since 1959; and

WHEREAS, Mrs. Gammell is the first woman editor of a weekly newspaper to be installed and she and her husband are the first couple from the same weekly newspaper to be installed; and

WHEREAS, Pearle E. Gammell was a strong believer in the power of the press and always believed in being first in anything she did. She never wanted copy for the newspaper second hand. If she didn't get the news first, she didn't want it; she was a woman of truth, positive action and was ever sensitive to the needs of those around her; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend, applaud and concur with the selection of Pearle E. Gammell as a member of the Alabama Newspaper Hall of Honor; we share her family's pride in this great honor and direct that copies of this resolution be sent to Mrs. Gammell's daughter, Mrs. Bertie G. Parish, her grandsons, Ed Parish and Dr. Tom Parish, Jr., and her granddaughter, Mrs. Rebecca Kelly.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 343

S.J.R. 358—Perloff and Owen

## SENATE JOINT RESOLUTION



**HONORING DR. BOB BARKER, SR., PASTOR,  
CHICKASAW FIRST BAPTIST CHURCH.**

WHEREAS, Dr. Bob Barker, Sr., born May 24, 1915, is a native of Bibb County, son of Thomas William and Wilma Rice Barker; he is a graduate of Bob Jones University, served as pastor of Hunter Memorial Baptist Church in Mobile for eight years, and presently is pastor of the Chickasaw First Baptist Church in which capacity he has served for the past 33 years, since November, 1944; and

WHEREAS, when Dr. Barker assumed his pastorship, Chickasaw First Baptist Church was only three years old with thirteen charter members, a total of 446 members and property consisting then of one small frame building; today the church plant is a brick complex with sanctuary and educational building valued at one and a half million dollars, membership totals 2,950, the recently adopted 1978 church budget amounts to \$277,804.00 and baptisms total 3,620 in the 33 years of Dr. Barker's ministry; and

WHEREAS, Bob Barker has further been active in denominational life as a past moderator of the Mobile Baptist Association, president of the Pastor's Conference for two years and as treasurer of Southern Baptist Convention Pastors' Conference; he also has served several terms on the Alabama Baptist Executive Committee, has been a trustee of Mobile College since its inception and was instrumental in starting two missions which later were organized into Baptist Churches; and

WHEREAS, Dr. Baker began a daily radio ministry in 1938 on WALA radio; he has been on radio or television daily since that date, and "Coffee with the Parson" is considered the oldest continuous daily religious program in America; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING,** That we most highly commend Dr. Bob Barker, Sr., on his many years of dedicated and gainful ministry in serving the spiritual needs not only of his congregations, but also of untold thousands of others via radio and television.

**BE IT FURTHER RESOLVED,** That a copy of this resolution be sent to Dr. Barker as evidence of our high praise and esteem.

Approved March 29, 1978

Time: 5:00 P.M.

Gilmore, Goodwin, Higginbotham,  
 Jones, Little, McDonald (A),  
 McDonald (S), McMillan, Miller,  
 Mims, Mitchell, Noonan, Owen,  
 Pearson, Perloff, Perry, Powell,  
 Proctor, Roberts, St. John, Shelby,  
 Stewart, Teague, Vacca, Waldrop,  
 and Wilson

# SENATE JOINT RESOLUTION

LAMENTING THE PLIGHT OF THE AMERICAN  
 FARMER AND CALLING FOR SPECIFIC REMEDIAL  
 MEASURES ON THE PART OF CONGRESS, THE  
 PRESIDENT AND HIS ADMINISTRATION.

WHEREAS, the Legislature of Alabama is supportive and  
 conscientiously aware of the present crises facing the majority of  
 the farmers in the State of Alabama and, indeed, the entire nation;  
 and

WHEREAS, the time for immediate action is upon us;  
 corrective measures must be taken now, and long-range plans  
 initiated, to alleviate the deplorable economic plight of our farmers  
 if they are to continue meeting our country's agricultural needs;  
 now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF  
 ALABAMA, BOTH HOUSES THEREOF CONCURRING, That  
 the members of the Alabama Legislature hereby call upon  
 President Jimmy Carter, Secretary of the Department of  
 Agriculture, Robert Bergland, and the Congress of the United  
 States to take appropriate action immediately to provide for the  
 following: 100% parity by law for all agricultural commodities, and  
 for all foreign farm exports; that all food reserves, either national or  
 international, be contracted at 100% parity; that imports of meats  
 and livestock be halted, unless at 100% parity price; and further, for  
 the structuring of a board within the Department of Agriculture to  
 be comprised of agricultural producers to assist the government in  
 determining farm "Policies and Prices."

BE IT FURTHER RESOLVED, That copies of this resolution  
 be sent, immediately upon passage of same, to President Carter,  
 Secretary Bergland and to all members of the Alabama  
 Congressional Delegation in Washington, D.C.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 345

S.J.R. 365—Bank

## SENATE JOINT RESOLUTION

HONORING SENATOR LISTER HILL, DISTINGUISHED ALABAMIAN AND MEMBER OF THE UNITED STATES CONGRESS FOR 46 YEARS.

WHEREAS, Joseph Lister Hill, a native of Montgomery, Alabama, born December 29, 1894, son of Dr. Luther Leonidas and Lilly Lyon Hill, received his preparatory education in the Starke University in Montgomery, entered the University of Alabama at the age of 16 and was graduated in four years with both academic and law degrees and as a member of Phi Beta Kappa; he also graduated in law at Columbia University and has been awarded honorary LL.D. Degrees from six colleges and universities and the Doctor of Science, honorary, from both Hahnemann Medical College of Philadelphia and New York Medical College; and

WHEREAS, Senator Hill began law practice in Montgomery in 1916 and was elected President of the Montgomery Board of Education at the age of 22, the youngest school board president in the United States; he also served honorably and with distinction with the 17th U. S. Infantry, 71st U. S. Infantry Regiments and the Lafayette Division during World War I, resuming the practice of law following his military service; and

WHEREAS, in 1923, at the age of 27, Lister Hill was elected to Congress from the Second Alabama District, was renominated and re-elected seven times without opposition, and served until he was appointed to the United States Senate in January, 1938, to fill the vacancy caused by the resignation of Senator Hugo Black; he won election in April of 1938 and was re-elected four times, serving until his retirement in 1969; and

WHEREAS, he was Majority Whip in the Senate during the 77th through the 79th Congresses, served as a member and as chairman of many important committees and was the author of such legislation landmarks as the TVA Act, the Rural Telephone Act, the Vocational Education Act, the G. I. Bill of Rights for World War II and Korean Veterans, the Rural Library Services Act and many others, as well as co-author of the National Defense Education Act of 1958; and

WHEREAS, with major legislation to his credit in many areas, Senator Hill is primarily known as this country's foremost advocate of better health care and has often been called the Senate's "Statesman for Health"; he was sponsor or co-sponsor of more than a dozen bills or amendments relating to health care with the Hill-Burton Hospital Construction Act the most widely known, and, as a result our nation's most important advances in health science must

be directly attributed to Senator Hill's influential efforts in Congress; and

WHEREAS, he is the recipient of innumerable awards and honors including membership in Alabama's prestigious Academy of Honor; he also is a Methodist, 32nd Degree Scottish Rite and Knight Templar Mason, Knight of Pythias, Woodman of the World and Praetorian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Senator Lister Hill on his illustrious Congressional career; we are grateful and indebted for his service to the citizens of our state and nation, and are inordinately proud that this great American is first of all a great Alabamian.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Honorable Lister Hill as but a small token of our appreciation and esteem.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 346

S.J.R. 367—Edwards

### SENATE JOINT RESOLUTION

#### MOURNING THE DEATH OF MR. SAM H. WHEAT.

WHEREAS, it is with a sense of deep regret that the Alabama Legislature notes the death of Mr. Sam H. Wheat in Decatur, Alabama, on January 13, 1978, at the age of 81; and

WHEREAS, Mr. Wheat was a prominent Decatur civic leader and was president of Citizens Industrial Bank, a position he had held for the past 33 years; and

WHEREAS, he was a longtime member of the Decatur Lions Club, member and past commander of American Legion Post 15, a Mason and a lifelong member of the United Methodist Church; and

WHEREAS, Sam Wheat was a much admired and greatly respected member of his community and of his area of our state; he was a man of integrity and dignity, loyal to his friends, devoted to his family and dedicated in his sense of duty and responsibility to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn and deeply regret the death of Sam H. Wheat of Decatur, Morgan County, Alabama; we extend our heartfelt

sympathy to his wife, Mrs. Fay Wheat, and to their daughter, Mrs. Thomas G. Barksdale of Vicksburg, Mississippi, and direct that they receive copies of this resolution that they may know of our concern for them in their great loss.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 347      S.J.R. 369.—St. John, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

#### SENATE JOINT RESOLUTION

WISHING A SPEEDY RECOVERY TO FORMER GOVERNOR JAMES E. "BIG JIM" FOLSOM.

WHEREAS, Former Governor James E. "Big Jim" Folsom is a patient at University Hospital in Birmingham; and

WHEREAS, The Legislature holds "Big Jim" in great affection and esteem; and

WHEREAS, The people of Alabama will long remember Governor Folsom's years in office and the great strides toward progress that he initiated; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we do wish for former Governor James E. "Big Jim" Folsom a speedy and complete recovery from his illness.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to Governor Folsom at University Hospital in Birmingham,

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 348

H.113—Carter, Moore (W)

AN ACT

Relating to Limestone County: to authorize the county commission to expend public funds for the operation, maintenance and expenses of volunteer fire departments in the county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Limestone County Commission is hereby authorized and empowered to expend public funds for the operation, maintenance and expenses of volunteer fire departments and volunteer fire fighting associations within the county.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 349

H. 115—Carter, Moore (W)

## AN ACT

To authorize the charging of a "convenience fee" in the amount of 25 cents on the sale of any hunting or fishing license sold in Limestone County by any special agent who sells hunting or fishing licenses in the City of Athens under authority granted pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975; prescribing penalties for the violation of the provisions of this act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any special agent selling hunting or fishing licenses in the City of Athens, Alabama, under authority granted by the Limestone County Commissioner of Licenses pursuant to the provisions of article 2 of chapter 11 of title 9 of the Code of Alabama, 1975, may, on or after the effective date of this Act, charge a "convenience fee" on the sale of hunting and fishing licenses as hereinafter provided for. Said special agent shall retain the entire amount of said fee for his services in selling such licenses.

**Section 2.** Said "convenience fee" shall be in the amount of 25 cents and shall be in addition to the amount of the license and the amount of any and all other fees authorized by law and may be charged because of the convenience to the public to have hunting and fishing licenses available for sale at odd hours and at many locations other than the county courthouse.

**Section 3.** Before any person shall charge the 25 cents "convenience fee" authorized by the provisions of this Act, he must post in a prominent and conspicuous place in his place of business where said hunting and fishing licenses are sold, and said fee is charged, a printed notice of the additional 25 cents "convenience fee" that will be charged under the provisions of this Act and notice

of the fact that the license may be purchased without the payment of this fee during ordinary business hours at the county courthouse.

**Section 4.** Any person found guilty of violating the provisions of this act shall be fined only up to an amount of \$50.00, but no term of imprisonment shall apply.

**Section 5.** This Act is intended to be cumulative and supplementary to any existing law or laws.

**Section 6.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 350

H. 300—McNees

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Fayette in Fayette County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and S  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of Section 30; and, N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of Section 31; all in Township 15 South, Range 12 West.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 351

H. 364—Goodwin, Coburn

### AN ACT

Relating to Colbert County; amending Section 20 of Act No. 131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) so as to change the meeting dates of the county commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 20 of Act No. 131, H. 333, 1949 Regular Session (Acts of 1949, p. 157) is hereby amended to read as follows:

“Section 20. The county commission shall hold regular meetings on the first and third Tuesdays in each month and may hold special meetings at any time on the call of the chairman of the commission or of three members entered in writing on the minutes of the commission.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 352

H. 424—Crawford, Whatley, Sasser

### AN ACT

To alter, rearrange, and extend the City Limits and Corporate Limits of the Municipality of Eufaula, in Barbour County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the Municipality of Eufaula, in Barbour County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of said Municipality, in addition to the lands now included, all of the following territory, to-wit:

All that tract or parcel of land lying in Section 19 and Section 20, Township 10 North, Range 29 East, Barbour County, Alabama, being more particularly described as follows: Commencing at the S. E. Corner of Section 19, T-10-N, R-29-E, thence N 20° 00' W 2168.7 feet to a concrete marker on the East R/W of U. S. 431, the North property line of the U. S. Government Park at Cheneyhatchee Creek; thence N 12° 03' W 491.03 feet along the East R/W line of U. S. 431, to an iron pipe, the point of beginning; thence N 89° 44' E 200 feet; thence S 12° 03' E 133.5 feet; thence N 89° 44' E 410 feet; thence N 10° 53' E 428 feet; thence N 89° 44' E 477.2 feet; thence S 00° 16' E 420 feet; thence N 89° 44' E 560 feet; thence N 00° 16' W 32.78 feet; thence N 71° 06' E 309.43 feet; thence N 14° 01' W 454.22 feet; thence S 75° 59' W 324.5 feet; thence N 15° 59' W 101.72 feet; thence S 89° 44' W 150 feet; thence N 05° 30' E 398



feet; thence S 89° 39' W 1915.42 feet; thence S 11° 02' E 441.84 feet; thence S 08° 10' W 435 feet; thence N 79° 36' W 268.3 feet; thence S 11° 02' E 203.97 feet to the point of beginning.

It is the intention of this description to include all those portions of Lakewood Subdivision, not presently within the limits of the City of Eufaula.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the governor, or upon its becoming a law.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 353    H.J.R. 449—Callahan, McCorquodale, Sandusky, Younce, Kennedy, Cooper, Johnstone, Glass, McMillan, McCulley, Buskey, Sonnier

#### HOUSE JOINT RESOLUTION

CONGRATULATING MR. WILLIAM J. HEARIN UPON HIS SELECTION AS MOBILIAN OF THE YEAR.

WHEREAS, William J. Hearin was recently voted Mobilian of the Year, and

WHEREAS, Mr. Hearin is a native Mobilian and has since 1970 been the publisher of the Mobile Press Register after working his way up through most every department during the past fifty-one years, and

WHEREAS, Mr. Hearin is a member of Sigma Delta Chi, the Alabama Press Association, the Southern Newspaper Publishers Association and the American Newspaper Publishers Association, and

WHEREAS, Mr. Hearin is a member of the Lions Club, the Chamber of Commerce, the United Fund, the Junior Achievement, the YMCA, the Mobile Carnival Association, Mobile United, and the Senior Bowl Association, and

WHEREAS, Mr. Hearin is the past president of such organizations as America's Junior Miss, the Lions Club, and the Mobile Association for the Blind, and

WHEREAS, Mr. Hearin is on the Board of such organizations as Spring Hill College, the Business Advisor Council of the

University of South Alabama, and the Salvation Army, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That we do most warmly congratulate and commend Mr. William J. Hearin upon his selection as Mobilian of the Year.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to William J. Hearin.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 354

H.J.R. 517—Sandusky, Callahan

### HOUSE JOINT RESOLUTION

RECOGNIZING THE TERMINAL RESTAURANT AS MOBILE'S OLDEST AND MOST UNIQUE DINING ESTABLISHMENT.

WHEREAS, The Terminal Restaurant opened its doors in 1916 on the corner of Beauregard and St. Joseph Streets in Mobile, Alabama, and by virtue of its more than six decades of continuous operation, is that city's oldest eating establishment; and

WHEREAS, it was first opened by Mr. Theo Lakos who was joined in 1928 by Manual Clikas, to be followed by his son, Steve, and later by Steve, Jr., who today helps serve the restaurant's fifth generation of customers; and

WHEREAS, much credit for success is also due Mr. Evans Hartzes who came into the restaurant in the 1930's and to his son, George, who joined his father and the Clikas family in 1946; and

WHEREAS, the restaurant was moved in 1974 to its present location, the former site of a Civil War Hospital on North Waters Street, and with it was moved the tile flooring that is now walked upon by many of the grandchildren of the Terminal's first patrons; complete meals which were once as low as fifteen cents, are today available at extremely reasonable prices, and are enjoyed by diners in an atmosphere of tradition and historical significance; and

WHEREAS, The Terminal Restaurant enjoys a uniqueness not to be found elsewhere in its reputation as the "Political Pulse of Mobile"; it's the "place to go" to discover political whims and trends and is fast becoming much more than just a "whistle stop" on the campaign trail of politicians running statewide; and

WHEREAS, with devotion and loyalty as a yardstick, The

Terminal Restaurant might well measure success by its customers of long years standing and by its employees who have made The Terminal their career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize with praise, both the longevity and uniqueness of Mobile's Terminal Restaurant.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Steve Clikas, Sr. and Jr., and to George Hartzes, that they may know of our sincere praise of their success as proprietors of the incomparable Terminal Restaurant in Mobile.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 355

H.J.R. 518—Sandusky, Cooper

### HOUSE JOINT RESOLUTION

COMMENDING MR. W. C. CLEWIS OF MOBILE, ALABAMA.

WHEREAS, the Alabama Legislature has noted the 15th anniversary of Mr. W. C. "Buddy" Clewis as manager of the Mobile Municipal Auditorium; and

WHEREAS, as the first and only manager of Mobile's outstandingly successful Municipal Auditorium, Buddy Clewis has been instrumental in arranging many highly worthwhile programs and attractions for the citizens of Alabama's Port City and surrounding areas; and

WHEREAS, the remarkable growth of the Mobile Municipal Auditorium must be attributed to the sound management practices and to the leadership of Buddy Clewis who is widely recognized as one of the most outstanding managers in the country; and

WHEREAS, he has further extended his talent and ability to include the training of managers for other auditoriums which include the Civic Center in Montgomery, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. W. C. "Buddy" Clewis on his successful management, for 15 years, of the Mobile Municipal Auditorium; we commend him most highly on his outstanding career and direct that he receive a copy of this resolution as evidence of our admiration and praise.

Approved March 29, 1978

Time: 5:00 P.M.

Act No. 356

H.J.R. 484—Tucker, Hilliard

HOUSE JOINT RESOLUTION

CONGRATULATING NORTH BIRMINGHAM'S G. W. CARVER HIGH SCHOOL, 1978 STATE 4A BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to note the first state championship for North Birmingham's G. W. Carver High School, won in overtime play at Alabama's Memorial Coliseum before a tremendous crowd of cheering Carver fans; and

WHEREAS, the Rams claimed the State 4A Basketball Crown with a heart-stopping 67-66 win over Parker High School to dash the Thundering Herd's hopes for their fourth 4A Championship since 1969; and

WHEREAS, this title win marked Carver's third victory this season over Parker High, under Head Coach Steve Jefferson, and was sweet revenge for the Ram's near miss against the Thundering Herd in 1969 when Jefferson was serving as assistant coach at Carver; and

WHEREAS, Carver's cagers are indeed worthy of high praise for their spectacular season and 4A title victory, won through the zealous effort, spirited team cooperation and precision play of each and every member of the team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate North Birmingham's G. W. Carver Rams on their spectacular capture of the 1978 State 4A High School Basketball Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Head Coach Steve Jefferson on behalf of the entire team, and that a copy be provided for appropriate school display.

Approved March 29, 1978

Time: 5:30 P.M.

Act No. 357

H.J.R 485—Tucker, Jackson (R)

HOUSE JOINT RESOLUTION

CONGRATULATING STUDENTS OF G. W. CARVER HIGH SCHOOL, NORTH BIRMINGHAM, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

WHEREAS, with its first All-City high school scholastic basketball squad, *The Birmingham News* honors those students who have combined grade averages and basketball skills so as to be richly deserving of singular recognition; and

WHEREAS, this talented roster includes the names of five outstanding athletic scholars who are students at North Birmingham's G. W. Carver High School: First Squad members Robert Washington, with a 3.7 grade average out of a possible 4.0, and Derrick Bentley, with a 3.0 average; Second Squad members Edward Carroll, 3.6, and Will Cotchery, 3.4; and Honorable Mention Edgar Formby with a grade average of 3.0; and

WHEREAS, these outstanding high school students are indeed worthy of praise as members of this first city all-scholar team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend Robert Washington, Derrick Bentley, Edward Carroll, Will Cotchery and Edgar Formby of Carver High School, North Birmingham, as All-City Scholastic Basketball Stars, and direct that they each receive a copy of this resolution as evidence of our praise and applause.

Approved March 29, 1978

Time: 5:30 P.M.

Act No. 358

H.J.R. 486—Tucker

HOUSE JOINT RESOLUTION

CONGRATULATING STUDENTS OF C. W. HAYES HIGH SCHOOL, AVONDALE, NAMED TO THE ALL-CITY HIGH SCHOOL SCHOLASTIC BASKETBALL SQUAD.

WHEREAS, with its first All-City high school scholastic basketball squad, *The Birmingham News* honors those students who have combined grade averages and basketball skills so as to be richly deserving of singular recognition; and

WHEREAS, this talented roster includes the names of two outstanding athletic scholars who are students at C. W. Hayes High School, Avondale, Second Squad members James Blair, with a 3.6

grade average out of a possible 4.0, and Stanley Barnes, with a 3.4 overall average; and

WHEREAS, these outstanding high school students are indeed worthy of praise as members of this first city all-scholar team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate and commend James Blair and Stanley Barnes of Hayes High School, Avondale, as All-City Scholastic Basketball Stars, and direct that they each receive a copy of this resolution as evidence of our praise and applause.

Approved March 29, 1978

Time: 5:00 P.M.

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Act No. 359

S. 356—Pearson

### AN ACT

To amend Section 40-23-35, Code of Alabama 1975, so as to provide for the distribution of the proceeds from the four percent (4%) sales tax; to provide that the distribution rate to the State Department of Pensions and Security for the administration of the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto, shall be five percent (5%) of the value of the coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter; to regulate staffing on a county level; to change the Food Stamp program from a county/state operation to a state administered program; and to make the provisions retroactively effective to January 1, 1978.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-23-35, Code of Alabama 1975, is hereby amended to read as follows:

“§ 40-23-35. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three-mill

constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one-half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the

treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition there shall be paid commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Pensions and Security for a statewide, state administered food stamp program as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Pensions and Security Trust Fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9, Code of Alabama 1975, such administrative funds shall be limited to and based on FY 1976-77 administrative costs, normal inflationary increases, and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture; the Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required; at the end of each fiscal year an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama Special Educational Trust Fund. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided



shall be paid into the Alabama special educational trust fund. In this division, 'general welfare purposes' means:

"(1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;

"(2) Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

"(3) Services to and on behalf of dependent, neglected or delinquent children; and

"(4) Investigative and referral services to and on behalf of needy persons. (Acts 1959, 2nd Ex. Sess., No. 100, p. 298, § 32; Acts 1973, No. 823, p. 1289; Acts 1973, No. 1135, p. 1916.)"

**Section 2.** Upon passage of this act all responsibility of the food stamp program shall be transferred to the State Department of Pensions and Security.

**Section 3.** This act shall be effective retroactively to the first day of January, 1978.

Approved March 30, 1978

Time: 4:30 P.M.

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Act No. 360    H.J.R. 438—McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Homes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton,

Shoemaker, Smith (B), Smith (C),  
Smith (J), Smith (M), Sonnier, Sparks,  
Starkey, Taylor, Thomas, Towns,  
Trammell, Tucker, Turnham,  
Venable, Waggoner, Ward, Warren,  
Weeks, Whatley, White, Williams,  
Wyatt, Younce

# HOUSE JOINT RESOLUTION

## MOURNING THE TRAGIC AND UNTIMELY DEATH OF DALE McVAY PORTER.

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened by the death of Dale McVay Porter of Montgomery, Alabama, as a result of an unfortunate automobile accident on February 22, 1978, at the age of 25; and

WHEREAS, Dale Porter, who was born and reared in Grove Hill, Clarke County, Alabama, was educated in the public schools at Grove Hill; he attended the University of Alabama where he was a member of Kappa Sigma Fraternity and from which institution he was awarded a Degree in Broadcasting in 1974; and

WHEREAS, he worked for Alabama's Bicentennial Commission from 1974 to 1976 and was in charge of the multimedia project, "How Ya Comin', Alabama?", a one-man show which he carried in a huge truck to school systems in 64 counties and which was shown to over 300,000 Alabamians; from 1976 until the time of his death, he was associated with the Moffit Company, an audiovisual equipment company in Montgomery; and

WHEREAS, Dale Porter was an avid photographer and further was deeply involved with the Jasmine Hill Arts Council, actively participating in all its projects, giving generously of his time and extraordinary talents; and

WHEREAS, throughout his lifetime, tragically shortened by misfortune, Dale Porter exhibited a youthful and aspiring outlook a vivacity and warmth of personality that served as an inspiration to all those whose lives he touched; he was beloved of family and friends and is grievously mourned by them all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we deeply regret and are painfully saddened by the death of Dale McVay Porter; we extend our most heartfelt sympathy to his parents, Mr. and Mrs. J. B. Porter of Grove Hill, and direct that they receive a copy of this resolution that they may know of our shared sorrow in the tragic loss of their son.

Approved March 31, 1978

Time: 2:00 P.M.

Act No. 361

S. 567—Higginbotham

## AN ACT

To propose an amendment to the Constitution of Alabama relating to fees and compensation of officers and the costs and charges of courts in Russell County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part thereof when approved by a majority of the qualified electors voting, and upon proclamation of the Governor:

## PROPOSED AMENDMENT

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of the probate courts in Russell County, and the fees, commissions, percentages, allowances, and compensation of any officer of Russell County, and shall be authorized to place any such officer on a salary and to provide for the fees, commissions, percentages or allowances collectible by such officer to be paid into the treasury from which his salary is paid.

The legislature is further authorized and empowered to delegate to the Russell County governing body its authority to regulate the salaries of county officers other than members of the county governing body.

**Section 2.** An election upon the proposed amendment is ordered to be held on the same day as the next general election of state and county officers on the first Tuesday after the first Monday in November, 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended and Sections 17-7-1 through 17-7-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment:

Passed the Senate as amended March 7, 1978

Passed the House as amended March 30, 1978

Senate concurred in House amendment April 4, 1978

Act No. 362

S. 600—McDonald (A)

## AN ACT

To propose an amendment to the Constitution of Alabama, 1901, so as to authorize the governing body of Limestone County to establish fire districts or a fire department for said county; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for any violation of the provisions and regulations promulgated hereunder.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed and shall become valid as a part thereof when approved and proclaimed as prescribed by law:

## PROPOSED AMENDMENT

The Limestone County governing body is authorized in its discretion to establish fire districts within the geographical boundaries of Limestone County, said districts to exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this amendment. The county governing body, in its discretion, may establish, in lieu of or in addition to said fire districts, a county fire department to furnish county-wide fire protection.

The governing body may name a fire marshal for Limestone County, whose principal duty shall be the coordination of fire protection within the county including all fire departments and fire stations, either in the district or county, and their full-time and part-time employees. Upon the request of the county governing body the fire marshal shall submit a budget for the county fire department and shall perform such other tasks related to fire protection as may, from time to time, be assigned to him by the county governing body.

The governing body is hereby authorized to fix a county fire protection tax, which tax shall become effective upon the approval of a majority of electors within any particular fire district or other area of the county where the tax is to be levied. The tax fixed by the governing body shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Limestone County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area.

The county governing body is hereby authorized upon approval by resolution adopted by said governing body to adopt, amend and

repeal regulations for the safeguarding of life and property from the hazards of fire and explosion in the county, which shall be known as the Limestone County Fire Protection Code. Such regulations shall have the force and effect of law and any violation thereof may, within the discretion of the county governing body, constitute a Class A misdemeanor, as defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts, 1977, p. 812), and upon conviction thereof may be punishable by a fine not exceeding \$1,000 or imprisonment in the county jail, not to exceed one year, or both fine and imprisonment. Said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this Act.

The county governing body is hereby authorized to employ or to authorize the employment of a fire marshal, fire inspectors, firemen, secretarial and clerical employees and any other employees which it deems necessary to carry out the provisions of this Act and it is further authorized to make such expenditures for salaries, equipment, property (whether real, personal or mixed), or other expenses related to fire protection which it deems necessary to carry out the provisions of this amendment.

The legislature may provide for or amend, from time to time, any laws pertaining to fire districts in Limestone County.

**Section 2.** An election upon this proposed amendment shall be held on the date of the first primary, general or special election held after the expiration of three months from the final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Section 284 and 285 of the Constitution of Alabama, as amended, and Section 17-17-1 through 17-17-6 of the Code of Alabama, 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Constitutional Amendment:

Passed the Senate March 22, 1978

Passed the House April 5, 1978

Relating to Limestone County; to authorize the county commission to provide for clerical and secretarial assistance to the legislative delegation from such county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of Limestone County is hereby authorized to provide clerical and secretarial assistance to the Limestone County legislative delegation. The assignment of personnel and the amount of compensation for such shall be set by the county commission.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 364

S. 381—McDonald (A)

### AN ACT

Relating to Limestone County; further regulating the compensation for the board of registrars and the manner of payment therefor from the county general fund.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the board of registrars of Limestone County shall be entitled to receive additional compensation in the amount of five dollars (\$5.00) per day, payable out of the general fund of the county treasury. Such amount shall be in addition to any and all other amounts provided for by law and shall be paid only for those days the board is authorized to meet and conduct business.

**Section 2.** Two years from the effective date of this Act and at the discretion of the county governing body, each member of the board of registrars may be entitled to receive, in addition to the amount provided in Section 1 of this Act, an additional five dollar (\$5.00) per diem which shall be subject to the same conditions and payable in the same manner as prescribed in Section 1 hereof.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 5.** This Act shall become effective on the first day of the next month subsequent to its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 365

S. 382—McDonald (A)

AN ACT

Relating to Limestone County, further providing for the days of meeting and the operation of the county board of registrars and the compensation therefor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other times now provided by law, the board of registrars of Limestone County is authorized to meet an additional fifty days each year as it deems necessary. Each member shall be entitled to receive his regular state and county per diem and expenses authorized by law for each day's actual attendance; provided, however, if such meeting is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem and expense allowance allowed for performing their regular duties, it being the legislative intent that registrars shall be entitled to receive only one per diem and expense allowance for one day's service. The compensation provided for herein shall be paid in the same manner and from the same funds as now provided by law for the Board of Registrars in Limestone County.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 366

S. 472—McDonald (A)

AN ACT

Relating to Limestone County; providing for the compensation and expense allowance of certain county officers.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following officers of Limestone County shall receive the following annual salaries to be paid from the general fund in equal monthly installments:

|                             |             |
|-----------------------------|-------------|
| Chairman, County Commission | \$19,200.00 |
| County Commission Members   | \$13,200.00 |
| Probate Judge               | \$17,500.00 |
| Tax Assessor                | \$14,700.00 |
| Tax Collector               | \$14,700.00 |
| Sheriff                     | \$19,000.00 |
| Coroner                     | \$2,500.00  |

Such salaries shall be in lieu of all other compensation heretofore provided by law and all fees, commissions, percentages and other charges heretofore collected for the use of any of the above officers shall be collected and paid into the general fund of the county.

**Section 2.** In addition to the salary provided the county commission members and county commission chairman hereinabove, the county commission shall provide an expense allowance of \$800.00 annually for the office of county commissioners and county commission chairman and an expense allowance of \$200.00 monthly for the Office of Coroner.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective January 1, 1979.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 367

S. 473—McDonald (A)

### AN ACT

Relating to Limestone County; to provide for the compensation for the county superintendent of education and the county board of education.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county superintendent of education of Limestone County shall receive as compensation for his services a



salary of \$24,000.00 per annum which shall be paid at the times and in the manner provided by the general laws of this state for the payment of salaries of other county superintendents of education.

**Section 2.** Each member of the county board of education of Limestone County shall receive as compensation for his services from the public school funds of the county a salary of \$2,000.00 per annum. Such compensation shall be paid in like manner as provided for the payment of the compensation of teachers.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This Act shall become effective January 1, 1979.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 368

H. 94—Callahan

### AN ACT

To re-enact Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama and to amend the Title and Sections 1, 3, 4, 6 and 8 thereof, to add a new Section 7 and to re-number subsequent sections accordingly; to increase the aggregate principal amount of revenue bonds therein authorized to be issued by the Alabama State Docks Department, to increase the maximum amount of and otherwise provide for the special processing charge therein created to pay the principal of and interest on the revenue bonds authorized therein, and to provide for the sale and issuance by the Department of refunding bonds.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 703 enacted at the 1976 Regular Session of the Legislature of Alabama is re-enacted to read as follows:

"To authorize Alabama State Docks Department, with the approval of the Governor, to sell and issue from time to time not exceeding \$20,000,000 principal amount of revenue bonds for the purpose of the improvement of existing seaport facilities and the construction and equipment of additional seaport facilities at the Port of Mobile for the handling and storage of coal, coke, or any other materials in bulk or containers, or any other method of shipment; to provide for the details of the bonds issued hereunder, the execution thereof, the method of sale thereof, and the application of the proceeds from the sale thereof; to provide for the sale of refunding bonds; to provide that bonds issued hereunder

shall not be or constitute a debt of the State of Alabama, shall not pledge the full faith or credit of the State of Alabama, shall bear such rate or rates of interest as may be specified in an order of the Director of the Department without regard to statutory limitations on interest rates, and shall be limited obligations payable solely out of revenues of the Department derived from its special processing charge; to provide for the pledge of the special processing charge for payment of the principal of and interest on the bonds issued hereunder and that such pledge will constitute a first charge on the special processing charge so pledged; to authorize the publication of notice of the adoption of an order authorizing the issuance of bonds hereunder and limiting the time within which any action may be brought to set aside or contest the validity of any such bonds or any proceedings authorizing or any pledge or instrument securing the said bonds; to provide that all bonds issued hereunder and the income therefrom shall be exempt from all taxation; and to provide that bonds issued hereunder shall be deemed negotiable instruments, and may be used to secure deposits or funds of the State of Alabama or of any instrumentality or agency of the State, and shall be lawful for the investment of fiduciary funds; to authorize the investment of proceeds of the bonds not presently needed for the purpose for which they are issued; and to provide that the provisions of this Act shall be severable and any portion hereof that may be held invalid shall not affect the remaining portions.

*Be It Enacted by the Legislature of Alabama:*

“Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

‘1971 Act’ means Act No. 64, enacted at the 1971 First Special Session of the Legislature of Alabama, as amended by Act No. 2306, enacted at the 1971 Regular Session of the Legislature of Alabama.

‘Bonds’ (except where that word is used with reference to bonds issued under another act) means those bonds at any time issued under the provisions of this Act.

‘Department’ means the Alabama State Docks Department established in Title 33, Chapter 1, Code of Alabama 1975, and any department or agency of the State that may succeed to the functions of that Department.

‘Director’ means the Director of the Department or any person who may succeed to the duties of that office.

‘Governor’ means the Governor of the State.

'Order' means an order made by the Director and approved by the Governor.

'Refunding Bonds' means those refunding bonds issued under the provisions of this Act.

'Seaport Facilities' means any improvements, including any real or personal property, structure, or equipment useful for any one or more of the loading, unloading, storage or other handling of coal, coke or any other materials or products of any kind, and that are useful in promoting, developing and operating seaports within the State.

'Secretary-Treasurer' means the Secretary-Treasurer of the Department, or any person who may succeed to the duties of that office.

'State' means the State of Alabama.

'United States securities' means securities that are direct obligations of the United States of America.

Where used in this Act, words in the present tense shall be construed to include the future tense, the singular shall be construed to include the plural, the plural shall be construed to include the singular, and nouns and pronouns shall be construed to include all genders.

"Section 2. Declaration of Legislative Intent. The object of this Act is to enable the Department to procure funds for the improvement of existing Seaport Facilities and the construction and equipment of additional Seaport Facilities in the continued development of the State docks at the Port of Mobile so that the Department will be able to render greater service to shippers and others engaged in international trade. This Act shall be liberally construed in order to effectuate its object.

"Section 3. Power to Issue Bonds. The Department, with the approval of the Governor, may from time to time and at any time sell and issue its revenue Bonds, not exceeding \$20,000,000 in aggregate principal amount, for the purpose of providing funds for the improvement of existing Seaport Facilities and the construction and equipment of additional Seaport Facilities at the Port of Mobile together with the expenses incident to the authorization, sale and issuance of the Bonds. The costs of constructing, equipping and improving such Seaport Facilities shall be deemed to include interest that will either accrue or become payable on the Bonds hereinafter authorized during the period required for the construction, improvement and equipment of such Seaport Facilities, plus a period not exceeding six months

after the completion thereof.

“Section 4. Details Respecting Bonds. The Bonds may be issued in one or more series, shall be in such forms and denominations and of such tenor, shall mature in annual installments the first of which shall mature not later than one (1) year after the estimated date for the completion of the Seaport Facilities financed thereby and the last of which shall mature not later than thirty (30) years from their respective dates, shall bear such rate or rates of interest payable and evidenced in such manner, all as may be provided in the order or orders of the Director in which any of the Bonds are authorized to be issued; provided, that no such order shall be valid without the written approval of the Governor. The said order or orders may provide for any or all of the following: the amount, use and disposition of the special processing charge (hereinafter referred to) of the Department derived from the Seaport Facilities constructed with the proceeds of the Bonds and the proceeds of the bonds authorized and issued pursuant to the 1971 Act; the setting aside of reserves for the Bonds; the disposition and administration of such reserves; limitations on the purpose or purposes to which the proceeds of sale of any of the Bonds may be applied; the procedure, if any, by which the terms of any contract with the holders of any such Bonds may be amended or abrogated; the amount of Bonds the holders of which must consent to such amendment or abrogation; the manner in which such consent may be given; and any other provisions not inconsistent with this Act. In addition to all other charges, the Department is authorized and directed to collect a special processing charge of not less than fifty cents (\$.50) and not more than one dollar (\$1.00) per ton on coal processed by the Seaport Facilities, and the proceeds thereof as long as any Bonds issued pursuant to this Act remain outstanding shall be deposited into an account to be established and known as the Alabama State Docks Bulk Handling Facility Expansion Trust Fund for the payment of the principal of and interest on the Bonds, including reserves therefor; provided, however, that upon retirement of the Bonds said special processing charge shall terminate. The Director may by order from time to time adjust the amount of the special processing charge, within the limits herein specified, as he determines necessary to assure the payment of the principal of and interest on the Bonds, including reserves therefor. Either the order or orders of the Director in which any of the Bonds are authorized to be issued, or a separate order of the Director, may provide for the manner and details of the collection of the special processing charge. The Director shall have the power to prescribe, in the order under which the first series of the Bonds are issued, the terms and conditions under which the Bonds may thereafter be issued for the purposes described in Section 3 of this Act. The

Director may at his election retain for the Department in the order or orders under which any of the Bonds are issued an option to redeem all or any thereof at such redemption price or prices and after such notice or notices and on such terms and conditions as may be set forth in such order or orders and as may be briefly recited on the face of the Bonds with respect to which such option or redemption is retained. Any of the Bonds having stated maturities more than ten years after the date thereof shall be made subject to redemption at the option of the Department not later than the end of the tenth year after the date thereof and on any interest payment date thereafter, under such terms and conditions as may be provided in the order or orders authorizing the issuance of such Bonds. The redemption price or prices of Bonds shall not exceed the face amount thereof plus a premium which shall not exceed twelve (12) months' interest thereon.

"Section 5. Execution of the Bonds. The Bonds shall be issued in the name of the Department and shall be signed by the Director, and the seal of the Department shall be impressed thereon and attested by the Secretary-Treasurer, and all interest coupons applicable to the Bonds shall be signed by the Director; provided, that the signature of one, but not of both, of the said officers may be printed or otherwise reproduced in facsimile on any of the Bonds in lieu of their being manually signed, the signature of the Director may be printed or otherwise reproduced in facsimile on the interest coupons in lieu of their being manually signed, and the seal of the Department may be printed or otherwise reproduced in facsimile on the Bonds in lieu of being manually impressed thereon, all as may be provided in the order under which the Bonds are issued.

"Section 6. Sale of the Bonds. Any of the Bonds may be sold at any time and from time to time in one or more series as the Director may deem advantageous. The Bonds may be sold at either public or private sale, and if at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the Department for the Bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account the premium, if any, in excess of their face value bid by the purchaser; provided, that if no bid acceptable to the Department is received it may reject all bids. Notice of each such sale shall be given by publication one time in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication one time in a newspaper that is then published in the State not less than five days during each calendar week. Each such publication shall be made not less than ten days prior to the date fixed for the sale. The terms and conditions under which each such sale may be held shall be fixed in an order

made by the Director; provided, that none of the Bonds may be sold for a price less than the face value thereof plus accrued interest thereon to the date of their delivery; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. The Bonds shall bear such rate or rates of interest as shall be specified in said order without regard to any laws of the State of Alabama prescribing or limiting interest rates, including, without limitation, the provisions of Title 8, Chapter 8, Code of Alabama 1975. Approval by the Governor of the terms and conditions under which any of the Bonds may be issued shall be requisite to their validity. The Governor's approval shall be in writing and shall be entered on the order of the Director in which the Bonds proposed to be issued are authorized. Such approval by the Governor may be shown on any series of the Bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization of such action is contained in the approval signed by him. Neither a public hearing nor consent by the Department of Finance of the State or any other department or agency shall be a prerequisite to the issuance of any of the Bonds.

“Section 7. Refunding Bonds. For the purpose of refunding any Bonds, including Refunding Bonds, whether the refunding shall occur before, at or after the maturity of the Bonds refunded, and for the purpose of paying all premiums and expenses of any refunding (including attorneys' fees, costs of printing the Refunding Bonds, fiscal agents' fees, and accountants' fees), the Department may from time to time sell and issue, at either public or private sale, Refunding Bonds in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the Bonds to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the Bonds to be refunded, or if the Bonds to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the Bonds to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the Bonds, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of the refunding. For the purpose of providing funds to enable the Department to pay at their respective maturities the principal of and interest on the Refunding Bonds issued under this Act and to accomplish the purposes of this Act, the Director is hereby authorized to irrevocably pledge to those purposes, and there is hereby appropriated for those purposes, such amount as may be necessary for those purposes of the special processing charge authorized by this Act, and when so pledged in the order or orders of the Director under which the Refunding

Bonds are authorized to be issued, that pledge shall constitute an irrevocable pledge of the revenues from the special processing charge referred to in this Section. The Department may contract with respect to the safekeeping and application of the Refunding Bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the State. All pledges made in this Act, and all pledges made by the Department pursuant to the provisions of this Act, for the benefit of Refunding Bonds issued under this Act shall take precedence in the order of the adoption of the orders authorizing the issuance of such Refunding Bonds. All other provisions of this Act shall apply to the Refunding Bonds issued hereunder except as otherwise provided herein.

“Section 8. Bonds to be Limited Obligations; Pledge and Appropriation of Certain Revenues Therefor. The Bonds shall never be or constitute a debt of the State within the meaning of any constitutional provisions, and neither the full faith nor the credit of the State shall ever be pledged or utilized therefor. Both the principal of and the interest on the Bonds shall be payable solely out of the special processing charge authorized by this Act and any order of the Director authorizing the issuance of the Bonds may pledge said special processing charge for payment of the principal thereof and interest thereon and when so made such pledge will constitute a first charge on said special processing charge.

“Section 9. Notice of Order Authorizing Issuance of Bonds. Upon the entry of any order of the Director providing for the issuance of bonds, the Department may, in the discretion of the Director, cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in the State not less than five days in each calendar week, a notice in substantially the following form (the blanks being first properly filled in), to be signed with the printed signature of the Director:

‘The Director of ALABAMA STATE DOCKS DEPARTMENT, an agency of the State of Alabama, on the       day of       , 19       , made an order providing for the issuance of \$       principal amount of bonds of the Department for the following purpose or purposes. (Here shall be inserted a brief and general description of the purpose of the issue). The said bonds are payable solely from limited sources as described in the said order. Any action or proceeding questioning the validity of the said order or of the said bonds, or the pledge or any instruments securing the said bonds, must be commenced within twenty days after the first publication of this notice.

## ALABAMA STATE DOCKS DEPARTMENT

By:

Director of Alabama State  
Docks Department,

Any action or proceeding in any court to set aside or question the order for the issuance of the Bonds referred to in the said notice or to contest the validity of any such Bonds or the validity of the pledge and any instruments made to secure such Bonds must be commenced within twenty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of said order, the said Bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said order, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within the said twenty day period.

“Section 10. The Bonds Shall be Deemed Negotiable, May be Used to Secure Deposits and for Investment of Fiduciary Funds, and With the Income Therefrom Shall be Exempt From Taxation. The Bonds and the income therefrom shall be exempt from all taxation in the State. The Bonds, when unregistered, shall be construed to be negotiable instruments even though they are payable from a limited source. All coupons applicable to the Bonds, while the applicable Bonds are not registered as to both principal and interest, shall likewise be construed to be negotiable instruments although payable from a limited source. Any of the Bonds may be used by the holder thereof as security for the deposit of any funds belonging to the State or to an instrumentality or agency of the State in any instance where security for such deposits may be required by law. Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law, invest any fiduciary funds in any of the Bonds.

“Section 11. Authorization to Invest Bond Proceeds in United States Securities. The Department may, in the discretion of the Director, invest all or any part of the proceeds derived from the Bonds that will not be presently needed for the purposes for which such Bonds were issued. Each such investment may be made only in either (a) United States securities having maturity dates on or prior to the dates on which it is anticipated such proceeds will be needed for the purposes for which the Bonds were issued or (b) certificates of deposit issued by a bank having its principal office in the State that will be secured by a collateral pledge of United States



securities having aggregate face value not less than the amount of the proceeds so invested plus the interest that will become payable on such certificates of deposit at the maturities thereof.

"Section 12. Severability Clause. In the event any portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this Act, which shall continue effective.

"Section 13. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 369

H. 105—McCulley

### AN ACT

To amend further Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), which act provides for the issuance of pistol permits in certain counties classified on a population basis; so as to increase the cost of said pistol permits.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 387, H. 969, Regular Session 1969 (Acts 1969, p. 764), as amended by Act No. 298, H. 298, H. 720, Regular Session 1971 (Acts 1971, p. 602), is hereby amended to further read as follows:

"Section 1. In all counties having populations of not less than 16,000 nor more than 16,250 according to the 1970 or any subsequent federal decennial census, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about a person as provided in Section 13-6-155, Code of Alabama 1975, shall be ten dollars per year which shall be collected by the sheriff and deposited in the county treasury. Four-fifths of the amount of each fee shall be credited to a special fund or account in a county treasury and shall be used exclusively by the sheriff for emergency purposes, in such amounts as may be determined by the county commission; the remaining part of each fee collected shall be deposited to the general fund of the county."

**Section 2.** This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

Act No. 370

H. 218—Killian

### AN ACT

Providing for the establishment of a merit system for the Sheriff's Department of DeKalb County, Alabama, and a Merit System Board governing the removal and official conduct of employees of such department; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This act shall apply only to employees of the Sheriff's Department of DeKalb County, Alabama.

**Section 2.** As used in this act, unless the context clearly requires a different meaning:

- (a) "County" means DeKalb County, Alabama;
- (b) "employee" means any person not excepted by Section 3 of this act and regularly employed in the service of the DeKalb County Sheriff's Department;
- (c) "merit employee" means any such employee who shall have completed his one year of probationary employment;
- (d) "board" means the Merit System Board created by this act.

**Section 3.** The provisions of this act shall apply to all officials and employees in the service of the DeKalb County Sheriff's Department except: (a) The sheriff; (b) the chief deputy; (c) the chief clerk; (d) the chief investigator; (e) the chief jailer and (f) any person whose employment is subject to the approval of the United States government or any agency thereof.

**Section 4.** All employees to whom the provisions of this act apply shall be governed by merit system rules and regulations prescribed in or promulgated pursuant to this act, administered by the Merit System Board, the creation of which is provided for in Section 5 hereof. Present such employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided; and such employees shall be subject fully to the provisions of this act.

**Section 5.** There is hereby created the Merit System Board of DeKalb County, Alabama, which shall be composed of three members.

(a) One member shall be appointed by the DeKalb County Commission;

(b) One member shall be appointed by the employees of the DeKalb County Sheriff's Department;

(c) One member shall be appointed jointly by (a) and (b) above.

Original appointees shall serve for terms of two (2) years, four (4) years and six (6) years, respectively, or until their successors are appointed. Thereafter, all appointees shall serve for a period of six (6) years or until their successors are appointed. Initial terms of office shall be determined by drawing names after appointees have been selected. No person shall be appointed to the Board who is not a resident and qualified elector of DeKalb County and over the age of twenty-one years:

Members of the Board shall take the constitutional oath of office, which shall be filed in the office of the Probate Judge. Vacancies on the Board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The members of the Board shall elect a chairman and secretary from among their number. Any member of the Board who becomes a candidate for, or is elected or appointed to another public office of profit must vacate his office as a member of the Board.

**Section 6.** Each member of the Board shall serve without compensation.

**Section 7.** The Board shall fix the times for its regular meetings; and it may hold special, adjourned or called meetings at any time. A majority of the members of the Board shall constitute a quorum for the transaction of business. All meetings of the Board shall be held in the DeKalb County Courthouse. The Board may prescribe rules governing its procedure provided such rules are not inconsistent with the provisions of this act.

**Section 8.** The Board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the Board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

**Section 9.** The salary to be paid each employee shall be determined by the DeKalb County Commission.

**Section 10.** All appointments, other than temporary appointments, shall be probationary for one year from the date of appointment. A probationary employee may be discharged by the sheriff at his pleasure at any time before the expiration of one year from his appointment. After he shall have served for one year in the position to which he was appointed or employed, such employee

shall become a merit employee.

**Section 11.** The sheriff shall have authority to suspend without pay a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a Merit Employee is suspended without pay for more than thirty days in any one year, he shall be entitled to a public hearing by the Board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the Board determines that the action of the sheriff was not with good cause, the suspension shall be revoked.

**Section 12.** (a) The sheriff can remove, discharge or demote any merit employee who is directly under the Sheriff's Department, provided that within five (5) days a report in writing of such action is made to the Board, giving the reason for such removal, discharge or demotion. The employee shall have ten (10) days from the time of notification of his removal, discharge or demotion in which to appeal to the Board. If such appeal be filed, the Board shall thereupon order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on such charges. No Merit Employee shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the Board, then the same will become final only upon affirmation by the Board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the Board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases, the decision of the Board shall be reduced to writing and entered in the record of the case and shall include the Board's finding of facts upon which its decision is based.

The Board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The Sheriff or some other law enforcement officer of the county shall serve all processes of the Board. In case a person refuses to obey such subpoena, the Board may invoke the aid of the Circuit Court of DeKalb County, Alabama, in order that the testimony or evidence be produced.

Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the Board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the Circuit Court of DeKalb County, Alabama, which fees shall be paid from the treasury of the county.

(b) Any person aggrieved by a decision of the Board may appeal such decision to the Circuit Court of DeKalb County within thirty (30) days from the rendition of such decision by the Board. Review by the Circuit Court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the Board's findings of fact shall be final and conclusive.

**Section 13.** No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

**Section 14.** Any merit employee who willfully violates any of the provisions of this Act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be reappointed or re-employed for two years.

**Section 15.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 16.** All laws or parts of laws which conflict with this act are repealed.

**Section 17.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

Act No. 371

H.J.R. 17—Baker, Whatley

## HOUSE JOINT RESOLUTION

## CONGRATULATING PHENIX CITY ON WINNING THE ALABAMA DIZZY DEAN BASEBALL TOURNAMENT.

WHEREAS, by virtue of a 6-4 victory over Hueytown, Phenix City claimed the championship of the Alabama Dizzy Dean tournament for 15 and 16 year olds and, with it, the honor of representing our state in the Dizzy Dean World Series in West Monroe, Louisiana; and

WHEREAS, the championship game was the fifth tournament "win" for this Phenix City Junior All Star team; it was their second victory over Hueytown with two "wins" against Decatur and one over Cahaba; and

WHEREAS, much credit is due, of course, to Coaches Cliff Farrar, Tommy Wade and Tommy Hicks for their able leadership, and each player is to be commended also for his part in a successful season and tournament participation; team members are: Mark Jackson, Darryl Wilks, Tim McLain, Flint Sharpe, David Smith, Mike Robinson, Barry Jones, Michael Griffith, Charles Ward, Jr., Jeff Storey, David Edwards, Donald Hudson, Michael Rathel, Tony Obert, James Cross, Chris Senn, and Bruce Chapman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Phenix City on the Alabama Dizzy Dean tournament championship and direct that copies of this resolution be sent to each of the coaches and players that they may know of our warm praise.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

Act No. 372

H.J.R. 94—Killian

## HOUSE JOINT RESOLUTION

## COMMENDING MR. F. D. "ROB" ROBINSON FOR MERITORIOUS SERVICE.

WHEREAS, Mr. F. D. "Rob" Robinson of DeKalb County, Alabama, has served approximately thirty years as Assistant and County Agent, beginning with the Extension Service on April 1, 1949 as Assistant County Agent in Centre, Alabama; and

WHEREAS, Mr. Robinson is a native of Cullman, Alabama, a graduate of Cullman High School and a veteran of World War I, having served in the United States Army from 1942 until 1945; he then attended Auburn University where he was a member of Sigma Pi and Epsilon Sigma Phi fraternities and from which institution he received his B. S. Degree in Agricultural Science in 1945; and

WHEREAS, following his assignment in Centre, he served as Assistant County Agent in Florence, Alabama, was Assistant Superintendent of the Upper Costal Plains Substation in Winfield, then served as Assistant County Agent in Tuscumbia until 1963 at which time he was named County Agent-Coordinator in Fort Payne, DeKalb County; and

WHEREAS, he has further served his profession as an actively involved member of the County Agents' Association as secretary-treasurer, vice president and president, and has been the recipient of both State and National Distinguished Service Awards; and

WHEREAS, Rob Robinson also has held membership in the Rotary Club, Lions Club, Civitan Club which he served as president, the DeSoto Country Club service as vice president, and a member of both the Industrial Board and the School Board; he is an active member of the Methodist Church and has served on the Board of Stewards, as Trustee of the Board and, presently as a member; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. F. D. "Rob" Robinson for his outstanding service to others, both with the County Extension Service and in the civic, charitable and religious affairs of his community; we congratulate him on his retirement with warm wishes for continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Robinson and his wife, Mrs. Eleanor Bailey Robinson, receive a copy of this resolution as a token of our high praise and esteem.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 373

H.J.R. 18—Baker, Whatley

# HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HAROLD S. COULTER OF  
PHENIX CITY, ALABAMA.

WHEREAS, the Legislature of Alabama notes, with deep regret, the death of Mr. Harold S. Coulter on July 1, 1977, in Phenix City, Alabama, at the age of 62; and

WHEREAS, Mr. Coulter, who has been honored previously by this body for his many outstanding accomplishments, was a native of Phenix City, born August 12, 1914, son of Mrs. Vera Coulter and the late Harrison T. Coulter; and

WHEREAS, he was active in the civic and religious affairs of his community and Russell County for more than 40 years; he was a member of Girard Baptist Church and, only shortly before his death, had written a history of his church; and

WHEREAS, further he had been awarded the Cross of Military Service for duty in the U. S. Navy during World War II, and had received the Alabama Award of Merit for Historical Preservation; he also was an award-winning columnist for his weekly newspaper feature, "Good Old Days," was the author of a comprehensive history of Phenix City, "A People Courageous," was a popular after-dinner speaker in the East Alabama area and, at the time of his death, was serving as official Russell County Historian; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do deeply regret and grievously mourn the death of Harold S. Coulter and direct that copies of this resolution be sent to his wife, Mrs. Mary S. Coulter; his daughter, Mrs. Bev H. Howard; his son, H. S. Coulter, Jr.; his mother, Mrs. Vera Coulter; and to other family members as evidence of our shared sorrow in their great loss.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

A. . No. 374

H.J.R. 52—Holmes (D)

### HOUSE JOINT RESOLUTION

COMMENDING WALTER WELLBORN HIGH SCHOOL FOR PARTICIPATION IN THE 3-A FOOTBALL FINALS FOR THE STATE CHAMPIONSHIP.

WHEREAS, the Panthers of Walter Wellborn High School, Calhoun County, finished the 1977 regular season with a perfect record to capture the Alabama High School Area II, Region 6, Class 3-A championship and finished the season with an overall 13-1 after reaching the finals for the State Title; and



WHEREAS, the Panthers were directed to their enviable perfect season, and to the State finals, by Head Coach Johnny Ingram and his assistants Jimmy Nipper, Johnny Scott, Steve Sewell and John Adcock; they further were enthusiastically supported not only by their cheerleaders, by the faculty and parents and student body, but also by ardent and loyal fans from throughout all of Calhoun County; and

WHEREAS, adding to the enthusiasm and spirit of the games was the Walter Wellborn Highlanders Band under the talented direction of Bandmaster Bill Barker; and

WHEREAS, the sportsmanship of both team and supporters throughout the season was outstanding as evidenced by the Sportsmanship Trophy awarded to Wellborn High by the Northeast Alabama Football Officials Associations; and

WHEREAS, "The Panthers Are Back," providing great football entertainment and reminding everyone that truly there is nothing like a "Panther on Friday Night"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Walter Wellborn High School on a tremendously successful football season and congratulate them with great pride on reaching the finals for the State 3-A Championship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Walter Wellborn High School for appropriate display, to the coaches, and to each of the Panthers and cheerleaders of said school.

This Act became a law under Section 125 of the Constitution on April 6, 1978 without approval by the Governor.

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Act No. 375

S. 642—Fine

### AN ACT

Proposing an amendment to the Constitution of Alabama relative to the Upper Buttahatchee River Watershed Area.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

### PROPOSED AMENDMENT

The Legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of the Buttahatchee River, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize Marion County and all municipalities lying within Marion County to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of the Upper Buttahatchee River Watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise, property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the State of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Upper Buttahatchee River Watershed. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or interest therein previously dedicated to public use. The provisions of Section 106, 222, 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the State of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission, or sale of electric power. The area comprising the Upper Buttahatchee River Watershed shall include such land defined in enabling legislation herein authorized as shall lie within Marion County. Any such law as herein authorized which has been heretofore enacted for which no notice and proof of publication was submitted as required by Section 106 of the Constitution is hereby validated and confirmed.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Marion County who vote thereon upon its submission, except that if this article of amendment is approved statewide but not approved by a majority of the qualified electors of Marion County upon its submission, the question can again be submitted to the qualified electors of Marion County at a local election called for such purpose

by the County Commission of Marion County not sooner than two (2) years after the initial constitutional amendment election, and if approved by a majority of the qualified electors of Marion County at such local election, this article of amendment shall then become operative.

**Section 2.** An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 17, Title 17 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment:

Passed the Senate March 22, 1978

Passed the House as amended April 5, 1978

Senate concurred in House amendment April 5, 1978

Act No. 376

H. 919—McCulley

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle in Mobile County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipalities of Citronelle in Mobile County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory to-wit:

PROPERTY TO BE ANNEXED

TO THE CITY OF CITRONELLE, ALABAMA:

TOWNSHIP 1 NORTH, RANGE 2 WEST

SECTION 5: The Northwest One Quarter (NW $\frac{1}{4}$ ) of the Northwest One Quarter (NW $\frac{1}{4}$ ).

SECTION 6: The East One Half (E  $\frac{1}{2}$ ).

SECTION 7: All of Section 7, EXCEPT the Southeast One Quarter (SE  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ).

TOWNSHIP 2 NORTH, RANGE 2 WEST

SECTION 18: The Southwest One Quarter (SW  $\frac{1}{4}$ ).

SECTION 19: All of Section 19.

SECTION 20: The South One Half (S  $\frac{1}{2}$ ) of Section 20, EXCEPT the Northeast One Quarter (NE  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ).

SECTION 28: The North One Half (N  $\frac{1}{2}$ ) of the North One Half (N  $\frac{1}{2}$ ). The Southeast One Quarter (SE  $\frac{1}{4}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ).

SECTION 29: All of Section 29 EXCEPT the Southeast One Quarter (SE  $\frac{1}{4}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ) and the East One Half (E  $\frac{1}{2}$ ) of the Southeast One Quarter (SE  $\frac{1}{4}$ ).

SECTION 30: All of Section 30.

TOWNSHIP 1 NORTH, RANGE 3 WEST

SECTION 1: The West One Half (W  $\frac{1}{2}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ). The Southwest One Quarter (SW  $\frac{1}{4}$ ) of the Northwest One Quarter (NW  $\frac{1}{4}$ ).

SECTION 2: The Southeast One Quarter (SE  $\frac{1}{4}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ). The Southeast One Quarter (SE  $\frac{1}{4}$ ) of the Southeast One Quarter (SE  $\frac{1}{4}$ ). The Southwest One Quarter (SW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ).

SECTION 3: All of Section 3 EXCEPT the Northeast One Quarter (NE  $\frac{1}{4}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ).

SECTION 4: The East One Half (E  $\frac{1}{2}$ ) of the East One Half (E  $\frac{1}{2}$ ) the West One Half (W  $\frac{1}{2}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ), the West One Half (W  $\frac{1}{2}$ ) of the Northwest One Quarter (NW  $\frac{1}{4}$ ) and the Northwest One Quarter (NW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ).

SECTION 5: The South One Half (S  $\frac{1}{2}$ ).

SECTION 6: The Southeast One Quarter (SE  $\frac{1}{4}$ ).

SECTION 7: The East One Half (E  $\frac{1}{2}$ ) of the West One Half (W  $\frac{1}{2}$ ). The West One Half (W  $\frac{1}{2}$ ) of the East One Half (E  $\frac{1}{2}$ ). The Northeast One Quarter (NE  $\frac{1}{4}$ ) of the Northeast One Quarter (NE  $\frac{1}{4}$ ).

SECTION 8: The Northwest One Quarter (NW  $\frac{1}{4}$ ).

SECTION 9: The North One Half (N  $\frac{1}{2}$ ).

SECTION 10. All of Section 10, EXCEPT the Southwest One Quarter (SW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ).

SECTION 11. The East One Half (E  $\frac{1}{2}$ ) of the East One Half (E  $\frac{1}{2}$ ). The West One Half of the Northwest One Quarter (NW  $\frac{1}{4}$ ). The

West One Half ( $W \frac{1}{2}$ ) of the West One Half ( $W \frac{1}{2}$ ) of the Southwest One Quarter ( $SW \frac{1}{4}$ ).

SECTION 12. All of Section 12.

SECTION 15. The East One Half ( $E \frac{1}{2}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ). The South One Half ( $S \frac{1}{2}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ). The North One Half ( $N \frac{1}{2}$ ) of the Southwest One Quarter ( $SW \frac{1}{4}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ).

#### TOWNSHIP 2 NORTH, RANGE 3 WEST

SECTION 13. All of Section 13.

SECTION 14. The North One Half ( $N \frac{1}{2}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ). The Southwest One Quarter ( $SW \frac{1}{4}$ ) of the Southwest One Quarter ( $SW \frac{1}{4}$ ).

SECTION 15. All of Section 15.

SECTION 22: All of Section 22.

SECTION 23. The South One Half ( $S \frac{1}{2}$ ). The West One Half ( $W \frac{1}{2}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ). The South One Half ( $S \frac{1}{2}$ ) of the Southeast One Quarter ( $SE \frac{1}{4}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ). The East One Half ( $E \frac{1}{2}$ ) of the Northeast One Quarter ( $NE \frac{1}{4}$ ). The South One Half of the Southwest One Quarter ( $SW \frac{1}{4}$ ) of the Northeast One Quarter ( $NE \frac{1}{4}$ ).

SECTION 24: All of Section 24.

SECTION 25: The North One Half ( $N \frac{1}{2}$ ).

SECTION 26: The North One Half ( $N \frac{1}{2}$ ). The West One Half ( $W \frac{1}{2}$ ) of the Southeast One Quarter ( $SE \frac{1}{4}$ ). The Southeast One Quarter ( $SE \frac{1}{4}$ ) of the Southwest One Quarter ( $SW \frac{1}{4}$ ).

SECTION 27: The West Half ( $W \frac{1}{2}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ).

SECTION 34: The East One Half ( $E \frac{1}{2}$ ). The North One Half of the Northwest One Quarter ( $NW \frac{1}{4}$ ).

SECTION 35: The Northwest One Quarter ( $NW \frac{1}{4}$ ). The West One Half ( $W \frac{1}{2}$ ) of the Northeast One Quarter ( $NE \frac{1}{4}$ ). The Northwest One Quarter ( $NW \frac{1}{4}$ ) of the Southwest One Quarter ( $SW \frac{1}{4}$ ). The Southwest One Quarter ( $SW \frac{1}{4}$ ) of the Southeast One Quarter ( $SE \frac{1}{4}$ ). The North One Half ( $N \frac{1}{2}$ ) of the Northwest One Quarter of the Southeast One Quarter ( $SE \frac{1}{4}$ ). The Southeast One Quarter ( $SE \frac{1}{4}$ ) of the Northwest One Quarter ( $NW \frac{1}{4}$ ) of the Southeast One Quarter ( $SE \frac{1}{4}$ ).

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise

becoming a law.

Approved April 6, 1978

Time: 4:00 P.M.

Act No. 377

S. 182—McDonald (A)

### AN ACT

To redivide the state into judicial circuits so as to create a Thirty-ninth Judicial Circuit consisting of Limestone County, to create the offices of circuit judge and district attorney in such circuit and provide for appointment to fill certain vacancies; to provide further for salary supplements and expense allowances for certain officers; for these purposes, to amend Code of Alabama 1975, Section 12-11-2; and to make an appropriation for operation of the new circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1975, Section 12-11-2 is amended to read as follows:

§ 12-11-2. The state of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of counties

§ 12-11-2. The state of Alabama is divided into judicial circuits for the circuit courts, numbered and composed of counties as follows:

- “(1) First circuit - Choctaw, Clarke and Washington.
- “(2) Second circuit - Butler, Crenshaw and Lowndes.
- “(3) Third circuit - Barbour and Bullock.
- “(4) Fourth circuit - Bibb, Dallas, Hale, Perry and Wilcox.
- “(5) Fifth circuit - Chambers, Macon, Randolph and Tallapoosa.
- “(6) Sixth circuit - Tuscaloosa.
- “(7) Seventh circuit - Calhoun and Cleburne.
- “(8) Eighth circuit - Morgan.
- “(9) Ninth circuit - Cherokee and DeKalb.
- “(10) Tenth circuit - Jefferson.
- “(11) Eleventh circuit - Lauderdale.
- “(12) Twelfth circuit - Coffee and Pike.
- “(13) Thirteenth circuit - Mobile.
- “(14) Fourteenth circuit - Walker.
- “(15) Fifteenth circuit - Montgomery.
- “(16) Sixteenth circuit - Etowah.
- “(17) Seventeenth circuit - Marengo, Greene and Sumter.

- “(18) Eighteenth circuit - Clay, Coosa and Shelby.
- “(19) Nineteenth circuit - Autauga, Chilton and Elmore.
- “(20) Twentieth circuit - Henry and Houston.
- “(21) Twenty-first circuit - Escambia.
- “(22) Twenty-second circuit - Covington.
- “(23) Twenty-third circuit - Madison.
- “(24) Twenty-fourth circuit - Fayette, Lamar and Pickens.
- “(25) Twenty-fifth circuit - Marion and Winston.
- “(26) Twenty-sixth circuit - Russell.
- “(27) Twenty-seventh circuit - Marshall.
- “(28) Twenty-eighth circuit - Baldwin.
- “(29) Twenty-ninth circuit - Talladega.
- “(30) Thirtieth circuit - Blount and St. Clair.
- “(31) Thirty-first circuit - Colbert.
- “(32) Thirty-second circuit - Cullman.
- “(33) Thirty-third circuit - Dale and Geneva.
- “(34) Thirty-fourth circuit - Franklin.
- “(35) Thirty-fifth circuit - Conecuh and Monroe.
- “(36) Thirty-sixth circuit - Lawrence.
- “(37) Thirty-seventh circuit - Lee.
- “(38) Thirty-eighth circuit - Jackson.
- “(39) Thirty-ninth circuit - Limestone.”

**Section 2.** The incumbent judge of the Eighth Judicial Circuit residing in the county composing the newly created Thirty-ninth Judicial Circuit shall have the option to continue in office as a judge of the eighth circuit without regard to residence, or to serve as the judge of the Thirty-ninth Judicial Circuit until the expiration of the term for which he was elected; and thereafter a judge of either circuit shall be elected at the same time and for the same term of office as other circuit judges of the state are elected, or as otherwise provided hereinafter.

**Section 3.** The incumbent judges residing in the county remaining in the Eighth Judicial Circuit shall continue to serve as judges of such circuit until the expiration of the term for which they were elected.

**Section 4.** The existing judgeships in the Eighth Judicial Circuit are hereby designated “Judgeship, Place No. 1,” “Judgeship, Place No. 2,” and “Judgeship, Place No. 3.” The judge who has been in office as circuit judge the longest shall be the

presiding judge, but if two or more of them have been in office for the same length of time, the chief justice of the Supreme Court shall name as presiding judge, one of the most senior judges. Candidates for the office of circuit judge in the Eighth Judicial Circuit shall designate in their qualifying documents for nomination and election the number of the judgeship for which they are candidates.

**Section 5.** Should one of the judgeships of the Eighth Judicial Circuit be vacated by the exercise of the option authorized to the judge residing in the newly created circuit by Section 2 hereof, the vacancy shall be filled by appointment of the governor for a term to expire on the first Monday after the second Tuesday in January following the next general election held after the appointee has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

**Section 6.** There is hereby created the office of judge of the Thirty-ninth Judicial Circuit. Such office, if not filled by exercise of the option authorized by Section 2 hereof, shall be filled by appointment of the governor for a term to expire on the first Monday after the second Tuesday in January following the next general election held after the appointee has completed one year in office. At such election such judicial office shall be filled for a full term beginning at the end of the appointed term.

**Section 7.** There is hereby created the office of district attorney of the Thirty-ninth Judicial Circuit. The office shall be deemed vacant and filled according to Code of Alabama 1975, Sections 12-17-180 and 12-17-181.

**Section 8.** Any salary supplement or expense allowance heretofore provided by law for judges or the district attorney of the Eighth Judicial Circuit shall also be payable to the judge or district attorney of the Thirty-ninth Circuit from the county treasury of the county composing the Thirty-ninth Judicial Circuit.

**Section 9.** There is appropriated, from the general fund in the state treasury, the sum of thirty thousand dollars to the unified judicial system for operation of the thirty-ninth judicial circuit and to the District Attorneys the sum of ten thousand dollars for the operation of the office of the district attorney therein. Such amount shall be in addition to funds heretofore appropriated to the state judicial system.

**Section 10.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 11.** All laws or parts of laws which conflict with this act are hereby repealed.



**Section 12.** This act shall become effective on June 1, 1978.

This Act became a law under Section 125 of the Constitution on April 7, 1978 without approval by the governor.

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Act No. 378

S. 547—Waldrop

### AN ACT

Relating to Rainbow City in Etowah County; to provide for a special election of the electors of Rainbow City on the issue of whether or not the people of Rainbow City want to create a separate municipal school board in Rainbow City; to provide for the termination of any municipal school system for Rainbow City in the event the voters vote to stay within the county system; and to provide for the creation of a municipal school system, in accordance with existing laws, for Rainbow City if the electors vote in favor of creating such a municipal school system.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** An election involving only the qualified electors of Rainbow City, Alabama, shall be held on May 2, 1978, in Rainbow City, Alabama, in Etowah County on the subject of whether or not the electors of Rainbow City want to adopt or create a city board of education for Rainbow City, in accordance with Chapter 11 of Title 16, Code of Alabama 1975.

The election shall be held on the date provided and shall be conducted in the same manner as other municipal elections are conducted. The results of the election shall be determined in the same manner of other municipal elections and shall be certified by the Rainbow City election officials to the judge of probate of Etowah County. On the ballots to be used at the election the proposition to be voted on shall be substantially as follows:

“Do you favor the establishment of a city board of education in Rainbow City, Alabama, in Etowah County for the administration and supervision of public schools in Rainbow City? Yes ( ) No ( ).”

If a majority of the votes cast at the election are affirmative votes, then the city governing body of Rainbow City, Alabama, shall be authorized to establish a city board of education in Rainbow City pursuant to the provisions of Chapter 11, Title 16 of the Code of Alabama 1975.

If a majority of the votes cast at the election are negative votes, then Rainbow City's public schools shall be supervised by the Etowah County Board of Education; and any city board of education theretofore created for Rainbow City shall be terminated.

The probate judge of Etowah County shall certify the results of

the election to the Secretary of State immediately after the returns have been certified.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 7, 1978 without approval by the Governor.

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Act No. 379      H. 318—Dial, Shoemaker, McCluskey, Moore (O)  
AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama; and to exempt annexed farm lands from city ad valorem taxes.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The East Half (E  $\frac{1}{2}$ ) of the West Half (W  $\frac{1}{2}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ), the Northeast Quarter (NE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) of the Southeast Quarter (SE  $\frac{1}{4}$ ) except the part of the South Half (S  $\frac{1}{2}$ ) that is eastwardly of the public road, all in Section 20; All of Section 21: The West Half (W  $\frac{1}{2}$ ) of Section 22: The West Half of the Southwest Quarter of the Southwest Quarter (W  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 25 north of the southerly right of way of U. S. Highway 78. The South Half of the South Half of the Southeast Quarter (S  $\frac{1}{2}$  of S  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ) and the South Half of the Southwest Quarter (S  $\frac{1}{2}$  of SW  $\frac{1}{4}$ ) north of the southerly right of way of U. S. Highway 78 and the West Half of the Southwest Quarter of the Southwest Quarter (W  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter (W  $\frac{1}{2}$  of E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 26. The West Half (W  $\frac{1}{2}$ ) and the Northeast Quarter (NE  $\frac{1}{4}$ ) and the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the West Half of the Northeast Quarter of the Southeast Quarter (W  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the Southwest Quarter of the Southeast Quarter north of the southerly right of way of U. S. Highway 78 (SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (E  $\frac{1}{2}$  of E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (W  $\frac{1}{2}$  of W  $\frac{1}{2}$  of

SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the East Half of the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E  $\frac{1}{2}$  of E  $\frac{1}{2}$  of E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the West Half of the West Half of the West Half of the Southeast Quarter of the Southeast Quarter (W  $\frac{1}{2}$  of W  $\frac{1}{2}$  of W  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the West Half of the Southeast Quarter of the Southeast Quarter south of the northerly right of way of U. S. Highway 78 (W  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the East Half of the Southeast Quarter of the Southeast Quarter south of the southerly right of way of U. S. Highway 78 (E  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) in Section 27: All of Section 28: The portion of the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 30 described as follows: Begin at the Southeast corner of said Quarter (a 1-inch iron pipe) and proceed southwestwardly along the south line of said Quarter a distance of 4 feet, more or less, to the eastwardly right of way line of a road having a right of way width of 80 feet; thence proceed northwardly along said right of way line a distance of 1495 feet, more or less, to the southerly line of the Clow tract at a point that is 31.6 feet westwardly of the Southeast corner of said tract; thence proceed westwardly along the south line of the Clow tract a distance of 1448.4 feet, more or less, to the Southwest corner of said tract; thence turn an angle of 90 degrees — 15' to the right and proceed northwardly along the West line of said tract and its extension a distance of 632 feet, more or less, to the northerly right of way line of the Southern Railroad (100 feet wide R.O.W.); thence proceed westwardly along said right of way line to the westerly line of said Southwest Quarter; thence proceed southwardly along said westerly line a distance of 1900 feet, more or less to the southwest corner of Section 30, thence proceed northeastwardly along southerly line of said Section to the point of beginning: The part of Section 31 that is northwardly of the southerly right of way line of U. S. Highway 78: The tract of land in the northwest corner of Section 31 described as follows: Begin at the northwest corner of Section 31 and proceed eastwardly along the northerly line of said Section a distance of 270 feet to a point, thence proceed southwardly along a line parallel to the west line of said Section a distance of 161.35 feet to a point; thence proceed westwardly parallel to the north line of said Section a distance of 270 feet; thence proceed northwardly a distance of 161.35 feet to the point of beginning: The tract described as follows: Begin at the northeast corner, of the Northwest Quarter (NW  $\frac{1}{4}$ ) of Section 31, Township 16, Range 5 East; thence southward along the east line of said quarter 315.9 feet to a point on the original south right of way line of U. S. Highway 78; thence southwestward along said original right of way line 777.1 feet; thence southward along a line parallel to the east line of said northwest quarter 58.1 feet to a point on the new right of way line (1963) of said U. S. Highway 78; thence southwestward along said

new right of way line 612.2 feet to the point of beginning of the tract of land herein described; thence southward at an angle of 90 degrees to the new right of way line 250 feet; thence southwestward and parallel to the said new right of way line 175 feet; thence northward and parallel to the east line of the tract being described 250 feet to the new south right of way line of U. S. Highway 78; thence northeastward along said right of way line 175 feet to the point of beginning; said described tract containing one (1) acre, more or less, and being in Section 31, Township 16, Range 5 East, Talladega County, Alabama: Portions of County Road No. 63 (Embry Cross Roads Eureka) that are in the North three-fourths section of Section 31: The Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 31 including the rights of way of U. S. Interstate Highway No. 20 and County Road No. 63: U. S. Highway No. 78 right of way in the East Half (E  $\frac{1}{2}$ ) of Section 31: The portion of Section 32 that is northwardly of the southerly right of way line of U. S. Highway No. 78: The portions of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U. S. Interstate 20 Highway right of way and all portions of the Southeast Quarter of Section 32 that is Southward of the Northerly right of way of U. S. Interstate 20. All of Section 33: The West Half (W  $\frac{1}{2}$ ) and the South Half of the South Half of the Northeast Quarter (S  $\frac{1}{2}$  of S  $\frac{1}{2}$  of NE  $\frac{1}{4}$ ) and the Northwest Half of the Southwest Quarter of the Southeast Quarter (NW  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) and the North Half of the Southeast Quarter (N  $\frac{1}{2}$  of SE  $\frac{1}{4}$ ) of Section 34: The North Half of the Northeast Quarter of the Northeast Quarter (N  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) and the North Half of the Northwest Quarter (N  $\frac{1}{2}$  of NW  $\frac{1}{4}$ ) that is northward of the Southerly route of U. S. Highway 78 and the East Half of the North Half of the Northwest Quarter of the Northeast Quarter (E  $\frac{1}{2}$  of N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) of Section 35: The West Half of the West Half of the West Half of the Northwest Quarter (W  $\frac{1}{2}$  of W  $\frac{1}{2}$  of W  $\frac{1}{2}$  of NW  $\frac{1}{4}$ ) of Section 36; All in Township 16 South, Range 5 East.

Portions of County Road No. 63 (Embry Crossroads — Eureka) that are in Section 25 and southwardly of the northerly right of way line of the Southern Railroad: The tract of land described as follows: Beginning at the intersection of the northerly right of way line of U. S. Highway No. 78 and the westwardly right of way line of County Road No. 63 and proceed northwardly along the said westerly right of way line of County Road No. 63 a distance of 208 feet to a point, thence in a westwardly direction parallel to the north line of U. S. Highway No. 78 to the 466-foot contour of the Logan Martin Reservoir project: thence southerly along the meander of said contour to the northerly right of way line of U. S. Highway No. 78;

thence in an easterly direction along said right of way line to the point of beginning: The portion of the Southeast Quarter of the Southeast Quarter (SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 25 that is southwardly of the northerly right of way line of U. S. Highway No. 78: The portion of the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 25 that is southwardly of the southerly right of way line of the Southern Railroad, less and except the tract formerly owned by Oscar Chandler described as follows: Begin at the southeast corner of the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 25 and running west the width of one (1) acre along public road; then north the length of two (2) acres; then east the width of one (1) acre; then south to the point of beginning on the public road, lying and being in the Northwest Quarter of the Southeast Quarter (NW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 25, Township 16 South, Range 4 East, and contains two (2) acres, more or less:

The Southwest Quarter of the Southeast Quarter (SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 25: The portion of the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 25 that is southwardly of the northerly right of way line of U. S. Highway No. 78: U. S. Highway No. 78 in the Southwest Quarter of the Southwest Quarter (SW  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 25 and the easterly 100 feet in the Southeast Quarter of the Southeast Quarter (SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 26: The tract of land described as follows: From the southeast corner of Section 26 proceed along an accepted line having a bearing of N. 7 degrees - 00' W. a distance of 149 feet, more or less, to the southerly right of way line of U. S. Highway No. 78, thence westwardly along said right of way line distance of 40 feet to a point, thence proceed southwardly on bearing of S. 07 degrees - 00' E. a distance of 148.6 feet to the south line of said Section 26, thence proceed easterwardly along said south line a distance of 40.1 feet to the point of beginning: The tract of land described as follows: Beginning at the northeast corner of Section 35 proceed southwardly along the east line of said Section a distance of 60 feet to a point, thence westwardly parallel to the north line of said section a distance of 40.1 feet to a point, thence proceed northwardly parallel to the east line of said Section 35 a distance of 60 feet to a point, thence proceed eastwardly a distance of 40.1 feet to the point of beginning: The right of way of U. S. Interstate Highway No. 20 in Section 35 that is eastwardly of the line between Talladega and St. Clair Counties: The portions of the North Half (N  $\frac{1}{2}$ ) of the North Half (N  $\frac{1}{2}$ ) of Section 36 that are northwardly of the 466-foot contour of the Logan Martin Reservoir Area; Also the tract described as follows: Begin at a point on the east line of said Section 36, 2004.1 feet south of the northeast corner of said Section 36 and run thence at a deflection angle to the right of 97 degrees 42' a distance of 231.5

feet to an existing iron pin corner for the point of beginning of the tract here described; from said point of beginning turn a deflection angle of 11 degree 36' to the right from the last described course, and run along the north line of the old Binghamtown Road a distance of 275 feet to a point; thence at a deflection angle of 69 degrees 50' to the right a distance of 235 feet, more or less, to a point on the 466 foot elevation above mean sea level, as established by United States Coast and Geodetic Survey as adjusted in January, 1955; thence in an easterly direction along the meanderings of said 466-foot contour line to a point on the west line of the old right of way of Embry's Crossing public road; thence in a southerly direction along said old west right of way line of said Embry's Crossing public road to a point 210 feet north of the north line of the old Binghamtown Road; thence in a westerly direction parallel to the north line of the old Binghamtown Road a distance of 210 feet to a point (which point is 201 feet from the new west right of way line of Embry's Crossing public road as now located); thence in a southerly direction a distance of 210 feet to the point of beginning: Also the tract of land described as follows: From the northeast corner of the South 30 acres of even width of the Northeast Quarter of the Southeast Quarter (NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 36, proceed northwardly along the East Line of said Section 36 a distance of 801 feet to a point, thence turn an angle of 74 degrees - 17' to the left and proceed northwestwardly a distance of 34.7 feet to the Southeast corner of the tract being described. From said point of beginning proceed northwestwardly on last course extended a distance of 800.7 feet to a point, thence turn an angle of 90 degrees - 00' to the right and proceed northeastwardly a distance of 160.5 feet to a point on the southerly right of way line of the old Binghamtown Road; thence proceed eastwardly along said right of way line a distance of 795 feet, more or less, to the westwardly right of way line of County Road No. 63; thence proceed southwardly along said right of way line a distance of 179.5 feet to the point of beginning, said tract being in the Southeast Quarter of the Northeast Quarter (SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) of Section 36: The portions of County Road No. 63 that are in Section 36; U. S. Interstate Highway 20 in Section 36: The portions of the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) and the Southeast Quarter that are westwardly of County Road No. 63 and southwardly of the southerly right of way line of U. S. Interstate No. 20, less and except areas described as follows: Beginning at the southwest corner of the Southeast Quarter of the Southwest Quarter (SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$ ) of Section 36 proceed eastwardly along the south line of said forty a distance of 630 feet; thence turn an angle of 95 degrees - 50' to the left and proceed northwardly a distance of 210 feet to a point; thence turn an angle of 84 degrees - 10' to the left and proceed westwardly a distance of 420

feet to a point; thence turn an angle of 84 degrees - 10' to the right and proceed northwardly a distance of 472.8 feet to a point that is on the southerly right of way line of U. S. Highway I-20, thence westwardly along said right of way line a distance of 210 feet, more or less, to the westerly line of said forty, thence southwardly along said line to the point of beginning, and the tract described as follows: From the southeast corner of Section 36 proceed westwardly along the south line of said Section a distance of 1657.0 feet to a point, thence turn an angle of 83 degrees - 20' to the right and proceed northwardly a distance of 25.9 feet to a point, said point being the point of beginning of the Anderson tract being described: From said point of beginning proceed northwardly on last described course extended a distance of 420 feet to a point; thence turn angle of 96 degrees - 30' to the right and proceed eastwardly a distance of 211.7 feet to a point, thence turn an angle of 83 degree 30' to the right and proceed southwardly a distance of 420 feet to a point, thence turn an angle of 96 degrees - 30' to the right and proceed westwardly to the point of beginning: The portion of the Southeast Quarter of the Southeast Quarter (SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ ) of Section 36 that is southwardly and southeastwardly and eastwardly of U. S. Interstate Highway No. 20 right of way. All in Township 16 South, Range 4 East.

The portion of the Northeast Quarter of the Northeast Quarter (NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$ ) of Section 1 that is eastwardly of the eastwardly right of way line of County Road No. 63: County Road No. 63 in Section 1: The tract of land described as follows: From the Northeast corner of Section 1, proceed westwardly along the north line of said Section 1 a distance of 578.5 feet to a point, thence turn an angle of 70 degrees - 00' to the left and proceed southwestwardly a distance of 210.7 feet to a point, thence turn an angle of 05 degrees 16' to the right and proceed a distance of 421.7 feet to a point, said point being the point of beginning of the tract being described. From said point of beginning proceed northeastwardly along the last described course in reverse a distance of 421.7 feet to a point (said line being the westwardly right of way line of County Road No. 63), thence turn an angle of 89 degrees - 51' to the left and proceed a distance of 20 feet to a 6"x 6" concrete monument identified "ASHD 29-00," thence turn an angle of 90 degrees - 00' to the right and proceed northeastwardly a distance of 64.16 feet to a 6"x 6" monument identified ASHD 28 + 35.84, thence turn an angle of 57 degrees 39' to the left and proceed northwestwardly a distance of 107.2 feet to a 6"x 6" concrete monument identified "ASHD4310.1" on the southerly right of way line of the relocated Binghamtown Road (R.O.W. width of 60 feet), thence proceed westwardly along said right of way line a distance of 1633 feet, more or less, to the westwardly line of a tract of land formerly owned by Pervey Pettis.

thence proceed southwardly along said line a distance of 539 feet to a point (a 1½ inch iron rod); thence turn an angle of 86 degrees - 39' to the left and proceed eastwardly a distance of 1468 feet, more or less, to the point of beginning, said tract having an area of 20 acres, more or less, and being in the North Half of the North Half of the Northeast Quarter (N ½ of N ½ of NE ¼) of Section 1: County Road No. 63 from the north line of Section 12 to the concrete bridge of Choccolocco Creek: The portion of the Northeast Quarter of Section 12 that is westwardly of County Road No. 63 and northwardly of the 466-foot contour of the Logan Martin Reservoir project: All of the Northwest Quarter of Section 12 that is northwardly of the 466-foot contour of the Logan Martin Reservoir project except the areas described as follows: From the northwest corner of Section 12 proceed along the west line of said Section 12 (bearing of S. 02 degrees - 34' W.) a distance of 1495.44 feet to a point for the point of beginning. From said point of beginning proceed on same bearing a distance of 289.23 feet to a point, thence proceed on a bearing of S. 86 degrees - 43' E. a distance of 615.62 feet to a point; thence proceed on bearing of N. 02 degrees - 34' E. a distance of 377.77 feet to a point; thence proceed on a bearing of S. 84 degrees 52' W. a distance of 620.78 feet to the point of beginning. Also the area south of the above tract that extends to the 466-foot contour of the Logan Martin Reservoir project. All in Township 17 South, Range 4 East.

The North Half (N ½) and North Half of the Southwest Quarter (N ½ of SW ¼) and Alabama Highway 77 right of way in Section 4: The North Half of the Northeast Quarter (N ½ of NE ¼) and the North Half of the South Half of the Northeast Quarter (N ½ of S ½ of NE ¼) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter (E ½ of E ½ of S ½ of SE ¼ of NE ¼) and the East Half of the East half of the Northeast Quarter of the Southeast Quarter (E ½ of E ½ of NE ¼ of SE ¼) East of Section 5. All in Township 17 South, Range 5 East.

**Section 2.** That all farm lands annexed by this Act shall be exempt from ad valorem taxation by the Town of Lincoln during the time such land is used for farming purposes.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 4, 1978

Time: 3:15 P.M.



Act No. 380

H. 854—Martin, Sparks, Cates, McCorquodale, Hill, McCulley, Lee, Smith (J), Younce, Pegues, Dial, Andrews, Moore (W), Crawford, Gafford, Plaster, Folmar, Smith (M), Ford, Morris, Baker, Mitchem, McNair, Naramore, Johnson, Biddle, McCluskey, Carothers, Drake, Coburn, Riddick, Albright, Boles, Merrill, Roberts, Hines, Shelton, Kinsey, Clark, Manley, Turnham, Campbell, Falkenburg, Sasser, Smith (B), White, Waggoner, Callahan, Owens, Smith (C), Hilliard, Hopping, Ward, Venable, Quarles, Carter, Shoemaker, Starkey, Cross, Warren, Harris, Lockett, Goodwin

## AN ACT

To amend Code of Alabama 1975, Section 17-4-14, which relates to the preparation and publication of poll lists so as to change the dates of said publication.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Code of Alabama 1975, Section 17-4-14 is amended to read as follows:

“Section 17-4-14. The judge of probate shall, from the registered list heretofore and hereafter returned to his office, excluding those names stricken therefrom, as shown by the list returned to him under the provisions of section 17-4-17, make correct alphabetical lists of all electors registered by precincts or by districts or other subdivisions thereof where any precincts has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, which list shall be certified by him officially to be a full and correct list of the registered electors, and not others, except for purposes of information, for each precinct, each district, each ward or each other subdivision, respectively, as the same appears from the returns of the registrars on file in his office. Such lists so made up shall be published by him in some newspaper with a general circulation in the county on or before the twentieth day preceeding the regularly scheduled primary election in each even numbered year, and together with said lists there shall also be published a certificate that said lists constitute the correct list of all qualified electors who will be entitled to vote in any election held in

said county from the time of such publication until September 1 of the next succeeding year, and also a notice that any voter duly registered whose name has been inadvertently or through mistake omitted therefrom and who has paid all taxes due and who is legally entitled to vote shall have 10 days from said publication to have his or her name entered upon said lists of qualified voters. If within such 10 days any voter shall reasonably satisfy said judge of probate by proper proof that any name should be added to such list, his or her name shall be added thereto, so that he or she may vote in the precinct, district, ward or other subdivision, where he is duly domiciled. An alphabetical list by precinct, or by district or other subdivision where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, of those so added within 10 days shall be prepared and published by said judge of probate in some newspaper with a general circulation in said county on or before the seventh day preceeding the date of the primary election in each even-numbered year. Such alphabetical list of said voters, published by the judge of probate on or before the twentieth day preceeding the regularly scheduled primary election, together with the names added and published on or before the seventh day preceeding the date of the primary election, shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county for the next ensuing year, and until a new list is published; and no person whose name does not appear thereon shall be allowed to vote nor shall he or she be allowed to vote except in the precinct, district, ward or other subdivision in which his or her name appears on said list, unless such person complies with the qualifications prescribed by law for challenged voters. Provided, however, that only in 1978 any county which has published a list of qualified voters prior to the effective date of this act, the probate judge shall prepare and publish in some newspaper with a general circulation in said county, an alphabetical listing as hereinabove required, only on or before the seventh day preceding the date of the primary election. In 1978 in such county this list, together with the list published prior to the effective date of this act shall be the official list of voters qualified in each of the precincts, districts, wards or other subdivisions within the county.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1978

Time: 4:00 P.M.

Act No. 381

S. 527—McMillan, Gilmore, Ellis, Wilson,  
Clemon, Vacca and Pearson

## AN ACT

To apply in Jefferson County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold or dispose of by sale or otherwise any gifts, grants, devises and bequests of money, real estate or any other thing of value and to use Jefferson County Board of Health funds to match or supplement any such gifts, devises and bequests of money, real estate or any other thing of value to carry out the purpose or purposes for which any such gifts, grant, devise or bequest of money, real estate or other thing of value was given or granted; to further authorize said Board to purchase, sell or exchange any real or personal property needed to carry out the functions of said Board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This act shall apply in Jefferson County, Alabama, and authorize the Jefferson County Board of Health in such county to solicit, receive and hold gifts, grants, devises and bequests of money, real estate and any other thing of value and to use Jefferson County Board of Health's funds to match or supplement any such gifts, grants, devises and bequests of money, real estate and any other thing of value and to carry out the purpose or purposes for which any such gift, grant, devise or bequest of money, real estate or other thing of value was given or granted.

**Section 2.** The Jefferson County Board of Health in such County shall have the authority to purchase in the Board's name any real or personal property needed to carry out the functions of said Board.

**Section 3.** The Jefferson County Board of Health in such County shall have the authority to sell the following described real property, to-wit:

Lot 1 according to the amended map of Office Park as recorded in Map Book 44 Page 5 in the Probate records of Jefferson County, Alabama. Subject to any instruments of record.

and

A part of Block 234 according to the present plant of the City of Birmingham as made by the Elyton Land Company being more particularly described as follows:

Commence at the point of intersection of the Northerly line of 8th Avenue South and the Easterly line of 19th Street and run in a Northerly direction along said Easterly line of 19th Street 117.95 feet to a point; thence 90° 03' to the right in an Easterly direction 135.00 feet to a point; thence 90° 03' to the left in a Northerly direction 100.13 feet to a point; thence 90° 03' to the right in an Easterly direction 140.8 feet to a point; thence 89° 57' to the right in a Southerly direction 133.78 feet to a point; thence left 89° 59' in an

Easterly direction 133.77 feet to a point; thence right 90° 01' in a Southerly direction 84.30 feet to the intersection of the Northerly property line of 8th Avenue South and the Westerly property line of 20th Street; thence right in a Westerly direction along the North property line of 8th Avenue South 409.55 feet to the point of beginning. Subject to any instruments of record.

**Section 4.** The provisions of this Act are severable and if any section, sub-section, paragraph, sentence, phrase or clause shall be held invalid by a court of competent jurisdiction such invalidity shall not affect the remaining portions of this Act.

**Section 5.** This Act shall take effect upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 10, 1978

Time: 3:05 P.M.

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Act No. 382

H. 770—Baker, Whatley

### AN ACT

To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, so as to provide further for the qualifications of the county engineer in certain counties of this state.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 11-6-2 of the Code of Alabama 1975, as amended, is hereby amended to read as follows:

“Section 11-6-2. The person appointed as county engineer, or chief engineer of the division of public roads within the meaning of this article shall be a registered professional engineer and land surveyor in the state of Alabama in good standing and in addition he shall have had not less than three years experience in the maintenance and construction of highways and bridges; except, that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census and in Cleburne, Crenshaw, Chilton, Fayette, Winston, Lamar, Cullman, Perry, Bullock, Macon, Montgomery, Clay, Walker, Coffee, Choctaw, Blount, Houston, Pike, Russell and Chambers Counties, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary as provided in section 11-6-4; provided, however, that the exemption for Montgomery County shall expire on May 1, 1979.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 11, 1978

Time: 4:00 P.M.

Act No. 383

S. 98—Ellis

### AN ACT

To amend Sections 23-1-271, 273, 275, 278, 279, 280 and 288, a part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs; to provide for a permit fee for the erection of such signs; and to provide penalties for violations.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 23-1-271, 273, 275, 278, 279, 280 and 288, a part of the division of the 1975 Code of Alabama, known as the "Highway Beautification Act—Outdoor Advertising", are hereby amended as follows:

"Section 23-1-271. For the purposes of this division, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) Business area. Any part of an adjacent area which is at any time zoned for business, industrial or commercial activities under the authority of any law of this State; or not zoned, but which constitutes an unzoned commercial or industrial area as defined in this section.

"(2) Centerline of the highway. A line equidistant from the edges of the median separating the main-traveled way of a divided highway, or the centerline of the main-traveled way of a nondivided highway.

"(3) Director. The State of Alabama Highway Department.

"(4) Adjacent area. An area which is adjacent to and within 660 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 660 feet distance shall be measured horizontally along a line normal or perpendicular to the centerline of the highway.

"(5) Erect. To construct, build, raise, assemble, place, affix,

attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when preformed as an incident to the change of advertising message or customary maintenance of the sign structure.

“(6) Interstate highway. Any highway at any time officially designated as a part of the National System of Interstate and Defense Highways by the Director and approved by the appropriate authority of the federal government.

“(7) Maintain. To allow to exist.

“(8) Primary highway. Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Director and approved by the appropriate authority of the federal government.

“(9) Sign. Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway.

“(10) An unzoned commercial, business or industrial area. The land occupied by the regularly used building, parking lot, storage or processing area of a commercial, business, or industrial activities, and that land within 600 feet thereof on each side of the highway. The unzoned area shall not include: a. land on the opposite side of an interstate or primary freeway highway from an unzoned commercial, business, or industrial area, as defined above. b. land predominately used for residential purposes. c. land zoned by state or local law, regulation or ordinance. d. land on the opposite side of non-freeway primary highway which is determined scenic by the department of highways.

“All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activities, not from the property lines of the activities, unless said property lines coincide with the limits of the regularly used buildings, parking lots, storage or processing areas and shall be along or parallel to the edge or pavement of the highway.

“(11) Commercial or industrial activities for purposes of unzoned industrial and commercial areas. Those activities generally recognized as commercial or industrial by local zoning authorities in this state, except that none of the following activities shall be considered commercial or industrial.

"a. Outdoor advertising structures.

"b. Agricultural, forestry, ranching, grazing, farming and similar activities, including but not limited to wayside fresh produce stands.

"c. Activities normally or regularly in operation less than three months of the year.

"d. Transient or temporary activities.

"e. Activities not visible from the main-traveled way.

"f. Activities more than 660 feet from the nearest edge of the right-of-way.

"g. Activities conducted in a building principally used as a residence.

"h. Railroad tracts and minor sidings.

"i. Areas which are predominantly used for residential purposes.

"12. Safety rest areas shall mean an area or site established or maintained within or adjacent to the right-of-way by or under public supervision or control for the convenience of the traveling public.

"13. Information Center shall mean an area or site established or maintained at safety rest areas for the purpose of informing the public of places of interest within the state and providing such other information as the Director may consider necessary.

"14. Main-traveled way shall mean the through traffic lanes exclusive of frontage roads, auxiliary lanes and ramps.

"15. The term "urban area" means an urbanized area so designated by the Bureau of the Census, within boundaries fixed by responsible State and local officials, subject to approval by the Secretary of the United States Department of Transportation, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries fixed by responsible State and local officials, subject to approval by the Secretary of the United States Department of Transportation.

"Section 23-1-273. No sign shall, subject to the provisions of Section 23-1-274 of this act, be erected or maintained in an adjacent area after February 10, 1972, nor shall any outdoor advertising sign, display, or device with the purpose of its message being read from the main traveled way of an interstate highway or primary

highway, be erected after the effective date hereof, outside of an urban area beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway, except the following:

“(1) Directional and official signs, including but not limited to signs pertaining to natural wonders, scenic and historical attractions, safety rest areas and information centers which are authorized by the Director, under promulgated rule, and which comply with regulations promulgated by the Director relative to their lighting, size, number, spacing, and other such requirements as may be appropriate to implement this act; provided that such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of Transportation of the United States pursuant to subsection (c) of Section 131, of Title 23, United States Code.

“(2) Signs lawfully in existence on October 22, 1965, determined by the State, subject to the concurrence of the United States Secretary of Transportation, to be landmark signs, including signs on farm structures or natural surfaces, of historic or artistic significance, the preservation of which would be consistent with the purposes of this section.

“(3) Signs advertising the sale or lease of property upon which they are located.

“(4) Signs advertising activities conducted on the property on which they are located. For the purposes of this Act, the promotion of activities at other locations or the dissemination of information about activities conducted upon other property shall not be considered activities conducted on the property on which a sign is located.

“(5) Signs located in business areas on February 10, 1972, and signs to be erected in business areas subsequent to February 10, 1972, which when erected, will comply with the provisions of Section 23-1-274 of this act; provided however, that no advertising sign, display, or device with the purpose of its message being read from the main traveled way, shall be erected after the effective date hereof outside an urban area beyond 660 feet of the edge of the right-of-way of an interstate or primary highway, whether located in a business area or not.

“(6) Signs or devices which advertise or designate exclusively the location of the facilities of any public utility located along the interstate or primary highway for the convenience or protection of the using public or the protection of the facilities of the public utility.”



"Section 23-1-275. a. No sign permitted by the provisions of Section 23-1-274 may be erected without first obtaining a permit therefor from the Director. No permit shall be required for signs conforming to the provisions of this division which are in existence upon February 10, 1972, until the end of the fifth calendar year. The application for a permit shall be on a form provided by the Director and shall contain such information as the Director may require. Upon receipt of an application containing all required information in due form and properly executed, the Director shall issue a permit to the applicant for the erection of the sign provided; that such sign will not violate any provisions of this division. A charge of \$25.00 will be made for each location covered in the permit. The application for a permit shall be accompanied by the required fee.

"b. Permits shall be for the calendar year, and shall be renewed annually, upon payment of a fee of \$10.00 for the following calendar year without the necessity of filing a new application. The fee shall not be prorated for fractions of the year. Only one permit shall be required for double-faced, back-to-back or V-type signs. Advertising copy may be changed at any time without the payment of an additional fee and nothing in this division shall be construed to give the Director any power of censorship with regard thereto.

"c. Permit fees for signs under this division shall become due and payable on January 1st of each year and delinquent on February 15th thereafter. A 25% penalty shall be charged and collected for any delinquent permit issued after February 15th.

"d. In addition to the permit, the Director shall issue an identification tag or decal to the applicant upon payment of the fee which shall be permanently affixed to the sign, display or device for which the permit was issued. Such tag or decal shall be so affixed in a uniform position on all such signs, display, and devices. The size, location and content, including identification numbers, and the materials from which such tags or decals are to be made shall be determined by the Director. All signs, display and devices which do not have the tag or decal attached thereto as provided in this Section, shall be considered as being nonconforming within the terms of this division.

"e. The Director shall issue a permit for the sign, display or device in any application duly made under this Section unless it is in violation of this division. Any permit may be revoked after a public hearing upon 30 days written notice if the Director finds that any statements made in the application thereof was false or misleading or that the advertising sign, display or device covered thereby is not in good general condition and in reasonable state of repair, or as otherwise in violation of this division; provided, that such false or

misleading statement has not been corrected and that the sign, display or device has not been brought into compliance with this division prior to said public hearing. The Director for good cause shown at such hearing may extend the time within which such sign, display or device may be brought into conformance or other remedial action taken."

"Section 23-1-278. A. Any sign erected or maintained in an adjacent area after February 10, 1972, and any outdoor advertising sign, display or device erected with the purpose of its message being read from the main traveled way of any interstate highway or primary highway outside of an urban area and beyond 660 feet of the right-of-way after the effective date hereof, in violation of the provisions of this division or the rules and regulations promulgated under the provisions of this division, may be removed by the Director, upon 30 days prior notice by certified or registered mail to the owner thereof and to the owner of the land on which said sign is located, or through Court proceedings at the option of the Director. No notice shall be required to be given to the owner of the sign or to a property owner whose name is not stated on the sign or on the structure on which it is displayed, or whose address is not stated thereon and is not on file with the Director.

"B. The Courts of this State shall have jurisdiction, in accordance with the provisions of sections 6-6-220 through 6-6-232, 1975 Code of Alabama, over actions for declaratory judgment, initiated by the Director, the owners of signs, or the owners of property on which signs are located, to determine and adjudicate controversies arising under or out of the enforcement of this Act and to set forth the rights, duties and responsibilities of the various parties arising under this Act including decrees of injunction and ordering removal of signs. In addition the Courts of this State shall have such injunctive powers as may be necessary to enforce or compel compliance with the provisions of this act in cases filed by the Director for injunction in the enforcement of this Act, including the power to enjoin the continuing maintenance of any sign erected or maintained in violation of the provisions of this Act, and the removal of any such signs on complaint filed by the Director. Proceedings hereunder being largely equitable in nature, the Courts shall set forth the rights, duties and responsibilities of the parties under this Act on the facts presented without intervention of a jury except as may be otherwise provided by statute or the Constitution of Alabama. In the event a sign or signs involved in any proceeding hereunder are found to be maintained, permitted to exist, or erected in violation of any of the provisions of this Act, the Court trying the cause, on being petitioned by the Director, shall order the removal of the sign or signs, subject to sections 23-1-280,

281 and 282 of this division where applicable, by the sign owner, or jointly by the sign owner and property owner if joined in the proceeding, or separately by the property owner; provided, however, that the Director, acting through personnel of the State of Alabama Highway Department, may remove such signs at the option of the Director as provided herein or as ordered by the Court. Court costs shall be taxed against a sign owner or property owner on which a sign is located, if a Court determines that such parties have erected or maintained a sign in violation of this Act. Jurisdiction and procedure of Courts are not limited by this Act.

"C. In any proceeding hereunder in the Courts of this State, an allegation or averment setting forth the owner of the real property or the owner of a sign located thereon, to be a particular party or parties shall be deemed to establish prima facie ownership of the real property or the sign to be in such party or parties, respectively, unless within thirty days from the service of process upon them, such party or parties file in the proceeding a sworn denial of ownership and in addition thereto, set forth any interest in and to such real property or sign to which they claim to be entitled. In any proceeding hereunder in the Courts, employees of the State of Alabama Highway Department may testify, from general knowledge, that a particular highway is an interstate or primary highway or as to the location of geographical boundaries of urban areas, incorporated municipalities, and other zoned areas. In addition to other official maps, maps prepared by the State of Alabama Highway Department as to the location of geographical boundaries of urban areas hereunder shall be received in evidence in aid of establishment of such boundaries when offered on the general knowledge of employees of the highway department that such map or maps were prepared by the State of Alabama Highway Department for the purpose of establishing the geographical boundaries of an urban area.

"D. In the event a determination is made by the Director that a particular sign or signs have been erected or are being maintained or allowed to exist in violation of any of the provisions of this act, upon written notice to the owner of such sign or signs, such owner of the sign or signs shall have a duty to submit to the director all factual and documentary evidence in his possession, under his control, or reasonably obtainable by such sign owner relating to the date or dates of the erection of the sign, or signs, the names of individuals erecting same, and all information relating in any manner to the erection of the sign or signs, the names of individuals erecting same, and all information relating to any manner to the location thereof which would tend to have a bearing on whether the sign or signs were erected in violation of or are being maintained or

allowed to exist in violation of any of the provisions of this act. All officers and employees of the State of Alabama Highway Department are hereby authorized and empowered to enter upon and go across any land located within the State of Alabama for the purpose of inspection of any sign determined by the Director to be in existence in violation of such act or any amendment thereto. Any officer and employee of the State of Alabama Highway Department who, acting lawfully under this Act, enters upon or crosses any lands located within this state for the purpose of inspection or removal of any such sign and in and about the activity of inspection or removal of any such sign, is hereby vested with full police power to arrest or prefer charges against any person or persons who interferes with the performance of his duty."

"Section 23-1-279. A. Signs outside of business areas which are lawfully in existence on February 10, 1972, but which do not conform to the requirements in this division are declared nonconforming, and subject to section 23-1-280, 281 and 282 of this division, shall be removed by the sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division. Outdoor advertising signs, displays or devices with the purpose of their message being read from the main traveled way of any interstate highway or primary highway erected prior to the effective date hereof outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway and not otherwise lawful under section 23-1-273 hereof as amended are declared nonconforming, and subject to sections 23-1-280, 281 and 282 of this division, shall be removed by the sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division.

"B. Signs lawfully erected after February 10, 1972, and which subsequently do not conform to the requirements of this division shall be removed by sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with section 23-1-282 of this division.

"C. Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate, the unzoned area shall be redefined or redelineated based on the remaining activities. Any signs located within the former unzoned area but located outside the unzoned area based on its new dimensions, shall become nonconforming, and subject to sections 23-1-280, 281, and 282 of this division, shall be removed by the sign owner and/or property owner under agreement with the Director, or under the authority of the Director, upon agreement between the parties as to just compensation. In the event no agreement can be reached as to just compensation, the sign shall be removed and payment made therefor through petition filed in Probate Court in accordance with Section 23-1-282 of this division.

"Section 23-1-280. Just compensation shall be paid upon the removal of any of the following signs which are not then in conformity with the provisions of this division.

"(1) Signs lawfully in existence on February 10, 1972.

"(2) Signs lawfully in existence on land adjoining any highway made an interstate or primary highway after February 10, 1972.

"(3) Outdoor advertising signs, displays or devices erected with the purpose of their message being read from the main traveled way of any interstate highway or primary highway erected outside of an urban area and beyond 660 feet of the edge of the right-of-way of such interstate or primary highway, erected prior to the effective date hereof, and not otherwise lawful under section 23-1-273 as amended.

"(4) Signs lawfully erected on or after February 10, 1972.

"Section 23-1-288. Whoever erects or maintains a sign in violation of the provisions of this division or in violation of rules and regulations promulgated by the Director under the provisions of this division shall be guilty of a Class C misdemeanor and shall upon conviction be punished as provided in Act No. 607, S. 33, 1977 Regular Session (Acts of 1977, p. 812).

**Section 2.** The provisions of this Act are severable. If any provision is declared unconstitutional or invalid, such declaration shall not affect that portion which remains.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 11, 1978

Time: 4:00 P.M.

Act No. 384

H. 823—Barron Harris, Wyatt, Langford

## AN ACT

Relating to Montgomery County; to change the method of compensating the tax collector, placing said official on a salary basis; to provide that the fees, commissions and allowances provide such official shall be paid into the county treasury; and provide that the cost of the operation of the office of tax collector shall be borne in part by the City of Montgomery.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The tax collector of Montgomery County shall receive an annual salary of \$27,500.00 payable in equal monthly installments from the general fund of the county. Said salary shall be the entire compensation received by the tax collector in any official and ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the tax collector.

**Section 2.** All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the tax collector shall hereafter be collected and paid into the general fund of the county except as provided hereinafter.

**Section 3.** The governing body of Montgomery County shall provide the tax collector with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

**Section 4.** The City of Montgomery shall reimburse Montgomery County at the end of each fiscal year at the rate of  $\frac{1}{2}$  of 1% of ad valorem taxes collected for the City of Montgomery and  $2\frac{1}{2}$ % of automobile taxes collected for the City of Montgomery; provided however, that such reimbursement shall not exceed in any one year an amount equal to  $\frac{1}{3}$  of all costs of operating the office of tax collector, including the salary of the tax collector.

**Section 5.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1978

Time: 3:05 P.M.

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Act No. 385

H. 825—Barron, Wyatt, Langford  
AN ACT

Relating to Montgomery County; to change the method of compensating the license inspector, placing said official on a salary basis; and to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The license inspector of Montgomery County shall receive an annual salary of \$15,000.00 payable in equal monthly installments from the general fund of the county. Said salary shall be the entire compensation received by the license inspector in any official and ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the license inspector.

**Section 2.** All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the license inspector shall hereafter be collected and paid into the general fund of the county, except as provided hereinafter.

**Section 3.** The governing body of Montgomery County shall provide the license inspector with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1978

Time: 3:05 P.M.

## AN ACT

To alter, rearrange, extend and fix the boundaries and limits of the City of Montgomery, Alabama; to provide for the assessment of ad valorem taxes in the property added when certain named services are provided; to require to County of Montgomery, Alabama, to maintain streets and roads in such added areas until same is assessed for ad valorem taxes by the City of Montgomery; to require that the provisions hereof shall become effective on January 1, 1980 and only upon approval of the electors of the County residing outside of the territory proposed to be annexed voting at a special referendum election held as hereinafter provided and further only upon approval of the electors residing within the territory proposed to be annexed voting by three separate areas, as hereinafter provided; if at the said special referendum election the electors of the county residing outside of the territory proposed to be annexed vote in favor of annexation and if the electors residing in any one of the said three areas proposed to be annexed vote in favor of annexation then as to such area and only as to such area the provisions hereof shall become effective on the said effective date, and provided further that if the electors residing in any one of the three areas proposed to be annexed vote against annexation regardless of the result of the referendum election held in the county outside of the territory proposed to be annexed then the provisions hereof shall have no further force and effect as to such area voting against annexation; to authorize the City of Montgomery to pay for the expenses of the election and to require the Probate Judge of Montgomery County to conduct the election after due notice thereof as herein provided; to require the Board of Registrars of Montgomery County to prepare poll lists for use at the election.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall be known and may be cited as "The Greater Montgomery Act."

**Section 2.** The boundaries of the City of Montgomery are hereby altered, rearranged, extended and fixed so as to be as follows: Beginning at the water's edge on the northeast side of the Alabama River at a point where the half section line running east and west through Section 35, T 17 N, R 17 E, St. Stephen's Meridian, touches said river; thence east along the said half section line of Section 35 to the east line of Section 35, T 17 N, R 17 E; thence continue east along the half section line running east and west through Section 36, T 17 N, R 17 E, to the east line of said Section 36, said east line being a common line with the west line of Section 31, T 17 N, R 18 E; thence north along the west line of said Section 31 to the center of the channel of the Alabama River; thence northerly up the center of the channel of the Alabama River (the Montgomery County-Elmore County line) to the north line of said Section 31; thence east along the north line of said Section 31 to the northeast corner of the West  $\frac{1}{2}$  of said Section 31, a common corner with the southwest corner of the East  $\frac{1}{2}$  of Section 30, T 17 N, R 18 E; thence north along the west line of the East  $\frac{1}{2}$  of said Section 30 to the north line of said Section 30; thence east along the north line of said Section 30, to the northeast corner of said Section 30, the said point



being the common corner of Section 19, 20, 29 and 30, T 17 N, R 18 E; thence north along the west line of Section 20, T 17 N, R 18 E, a distance of 828.3 feet; thence easterly along a line parallel to the south line of said Section 20 a distance of 2, 642.81 feet to a point on the east line of the SW  $\frac{1}{4}$  of said Section 20; thence southerly along the east line of the SW  $\frac{1}{4}$  of said Section 20 to a point on the south line of said Section 20 and the north line of Section 29, T 17 N, R 18 E; thence east along the north line of said Section 29 and along the north line of Section 28, 27, 26 and 25, T 17 N, R 18 E, to the northeast corner of said Section 25, a common corner of Sections 25 and 24, T 17 N, R 18 E, and Section 19 and 30, T 17 N, R 19 E; thence continue east along the north line of said Section 30 to the center of the channel of the Tallapoosa River; thence easterly up the center of the channel of the Tallapoosa River (the Montgomery CountyElmore County line) to the north line of Section 29, T 17 N, R 19 E; thence continue east along the north line of said Section 29 to the northeast corner of the West  $\frac{1}{2}$  of said Section 29; thence south along the east line of the West  $\frac{1}{2}$  of said Section 29 and along the east line of the West  $\frac{1}{2}$  of Section 32, T 17 N, R 19 E, to the southeast corner of the West  $\frac{1}{2}$  of said Section 32, a common corner with the northeast corner of the West  $\frac{1}{2}$  of Section 5, T 16 N, R 19 E; thence continue south along the east line of the West  $\frac{1}{2}$  of said Section 5 and along the east line of the West  $\frac{1}{2}$  of Sections 8, 17, 20 29 and 32, T 16 N, R 19 E, to the southeast corner of the West  $\frac{1}{2}$  of said Section 32, a common corner with the northeast corner of the West  $\frac{1}{2}$  of Section 5, T 15 N, R 19 E; thence continue south along the east line of the West  $\frac{1}{2}$  of said Section 5 and along the east line of the West  $\frac{1}{2}$  of Section 8, T 15 N, R 19 E, to the southeast corner of the West  $\frac{1}{2}$  of said Section 8; thence west along the south line of said Section 8 and along the south line of Section 7, T 15 N, R 19 E, to the southwest corner of said Section 7, a common corner of Sections 7 and 18, T 15 N, R 19 E, and Sections 13 and 12, T 15 N, R 18 E; thence continue west along the south line of said Section 12 and along the south line of Sections 11, 10, 9, 8 and 7, T 15 N, R 18 E, to the southwest corner of said Section 7, a common corner of Sections 7 and 18, T 15 N, R 18 E, and Sections 13 and 12, T 15 N, R 17 E; thence continue west along the south line of said Section 12 and along the south line of Sections 11, 10, 9, 8 and 7, T 15 N, R 17 E, to the southwest corner of said Section 7, a common corner of Sections 7 and 18, T 15 N, R 17 E, and Sections 13 and 12, T 15 N, R 16 E; thence continue westerly along the south line of said Section 12 to the southwest corner of said Section 12; thence north along the west line of said Section 12 and along the west line of Section 1, T 15 N, R 16 E, to the northwest corner of said Section 1, a common corner of Sections 1 and 2, T 15 N, R 16 E, and Sections 35 and 36, T 16 N, R 16 E; thence continue north along the west line of said Section 36 and along the west line of

Sections 25, 24, 13, 12 and 1, T 16 N, R 16 E, to the northwest corner of said Section 1; thence easterly along the north line of said Section 1 to the northeast corner of said Section 1, a common corner of Section 1, T 16 N, R 16 E, Section 36, T 17 N, R 16 E, Section 31, T 17 N, R 17 E, and Section 6, T 16 N, R 17 E; thence continue east along the north line of said Section 6, and along the north line of Sections 5, 4, and 3, T 16 N, R 17 E, to the water's edge of the south side of the Alabama River; thence up the Alabama River along the water's edge thereof to a point where the half section line running east and west through Section 35, T 17 N, R 17 E, touches said river, the point of beginning. All of the above described land is located in Montgomery County, Alabama.

**Section 3.** Any area which is located within the boundaries of the City of Montgomery, as set out in Section 2 above, but which was not a part of the City of Montgomery prior to the passage and implementation, as herein provided, of this Act fixing and providing for boundaries of the City of Montgomery, shall not be subject to assessment for ad valorem taxation by the City of Montgomery until the said City of Montgomery shall make available, furnish or cause to be furnished through any board whose members are appointed by the City of Montgomery, to such area and the residents thereof the following municipal services: police protection, fire protection, garbage collection, street lighting, water service, sanitary sewer service and street maintenance; the quality of the municipal services herein enumerated shall be the same or equivalent to such respective services furnished to the residents of the City of Montgomery prior to the enactment and implementation of this Act and the City of Montgomery may initially provide such services in any extended area to those areas or neighborhoods therein containing a density of existing homes or commercial operations, subject to need and the availability of funds. The city council of the City of Montgomery, each year when it adopts an ordinance assessing real property within the City of Montgomery for ad valorem taxation shall describe in said ordinance the area which has previously been subject to the city's ad valorem taxation and shall describe in addition thereto such other areas within the boundaries as set out in Section 2 above in which the city is furnishing all of the above described services during the year for which said ad valorem tax is being levied; and said ordinance shall also describe the areas within the City of Montgomery where all of said services are not being rendered and shall exempt such areas from City ad valorem taxation for said year.

**Section 4.** Any roads or streets which are located in those areas which are exempted from ad valorem taxation by the City of

Montgomery shall be maintained by the County of Montgomery until such time as aforesaid areas are assessed for City of Montgomery ad valorem taxation.

**Section 5.** Notwithstanding the provisions of any other law, any redistricting of city council districts necessitated by any annexation, herein provided for, shall not occur until after publication of the 1980 Decennial Federal Census. Within six (6) months after said publication the Mayor shall submit to the council a recommended plan for redistricting the council districts.

**Section 6.** The substantive provisions of this Act shall not be effective until it shall have been approved at a special referendum election as follows: The Judge of Probate of Montgomery County shall conduct the election and the Board of Registrars shall prepare and furnish to the Judge of Probate poll lists for use in the said election. The City of Montgomery is authorized to pay for the expenses of said election.

The Judge of Probate shall prepare four separate poll lists for the said election. One list shall contain the names of all qualified electors who reside within the area hereinafter described and for convenience called "West Area", to-wit:

Beginning at the point of intersection of the east right-of-way line of Interstate Highway 65 with the south line of Section 35, T 16 N, R 17 E, St Stephen's Meridian; thence west along the south line of said Section 35 to the common corner of Sections 35 and 34, T 16 N, R 17 E and Sections 2 and 3, T 15 N, R 17 E; thence west along the south line of said Section 34 to the west right-of-way line of U. S. Highway 31 South; thence southerly along the west right-of-way line of U. S. Highway 31 South to the south line of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 3, T 15 N, R 17 E; thence west along the south line of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 3 to the east right-of-way line of the L & N Railroad; thence northerly along the east right-of-way line of the L & N Railroad to the south right-of-way line of U. S. Highway 80; thence easterly along the south right-of-way line U. S. Highway 80 to the south line of Section 34, T 16 N, R 17 E; thence westerly along the south line of said Section 34 to the west right-of-way line of U. S. Highway 80 and U. S. Highway 31 South; thence northerly along the west right-of-way line of said U. S. Highway 80 and U. S. Highway 31 South to the north line of Tract B as recorded in Plat Bood 21, Page 155 in the Office of the Judge of Probate, Montgomery County, Alabama; thence North 82°00' West along the north line of said Tract B a distance of 329.35 feet; thence South 49°00' West a distance of 100.85 feet; thence South 12°00' West a distance of 384.8 feet; thence North 82°00' West a distance of 454.8 feet to a point on the easterly right-of-way line of the L & N

Railroad; thence southwesterly along the said easterly right-of-way line of the L & N Railroad to the north line of Section 3, T 15 N, R 17 E; thence west along the north line of Sections 3 and 4, T 15 N, R 17 E to the half section line running north and south through said Section 4; thence south along the said half section line of said Section 4 to the north right-of-way line of U. S. Highway 80; thence westerly along the north right-of-way line of U. S. Highway 80 to the east right-of-way line of the Brewer Road; thence northerly along the east right-of-way line of the Brewer Road to the north line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 32, T 16 N, R 17 E; thence east along the north line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Sections 32, 33, and 34, T 16 N, R 17 E, to the west right-of-way line of the L & N Railroad; thence northerly along the west right-of-way line of the L & N Railroad to the northerly right-of-way line of the West Boulevard; thence northwesterly along the northerly right-of-way line of the West Boulevard to the half section line running east and west through Sections 28 and 27, T 16 N, R 17 E; thence east along the said half section line of Sections 28 and 27 to the west right-of-way line of the L & N Railroad; thence northerly along the west right-of-way line of the L & N Railroad to the north line of Section 27, T 16 N, R 17 E; thence west along the north line of said Section 27 to the common corner of Sections 21, 22, 27, and 28, T 16 N, R 17 E; thence north along the east line of said Section 21 to the north line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of Section 21, T 16 N, R 17 E; thence South  $88^{\circ}54'$  West along the north line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of said Section 21 to the east line of the SW  $\frac{1}{4}$  of said Section 21; thence North  $01^{\circ}13'$  West along the east line of the SW  $\frac{1}{4}$  of said Section 21, a distance of 1,324.7 feet; thence North  $01^{\circ}06'$  West along the east line of the NW  $\frac{1}{4}$  of said Section 21 a distance of 664.7 feet; thence South  $88^{\circ}59'$  West a distance of 2,952.5 feet; thence North  $00^{\circ}53'$  West a distance of 492.0 feet to the east right-of-way line of the southwesterly extension of the Old Selma Road; thence northeasterly along the east right-of-way line of the southwesterly extension of the Old Selma Road a distance of 208.3 feet to a point on the south right-of-way line of the Western Railway of Alabama Railroad; thence northeasterly along the south right-of-way line of the Western Railway of Alabama Railroad to the southern extension of the east property line of Lot 14 of the Greil Highlands Plat as recorded in Plat Book 4, at Page 53 in the Office of the Judge of Probate, Montgomery County, Alabama; thence northwesterly along the southern extension of the east property line of said Lot 14 of the Greil Highlands Plat to the north right-of-way line of the Western Railway of Alabama Railroad; thence continue northwesterly along the east property line of said Lot 14 of the Greil Highlands Plat to the south right-of-way line of the Old Selma Road; thence continue northwesterly along the northern extension

of the east property line of said Lot 14 of the Greil Highlands Plat to the north right-of-way line of the Old Selma Road; thence southwesterly along the north right-of-way line of the Old Selma Road to the east property line of Lot 6 of the Stella Greil Property as recorded in Plat Book 7, at Page 50, in the Office of the Judge of Probate, Montgomery County, Alabama; thence northwesterly along the east property line of said Lot 6 of the Stella Greil Property to the east boundary line of the Warranty Plat as recorded in Plat Book 15 at Page 29, in the Office of the Judge of Probate, Montgomery County, Alabama; thence north along the east boundary line of the said Warranty Plat to the south right-of-way line of the Illinois Central Gulf Railroad; thence easterly along the south right-of-way line of the Illinois Central Gulf Railroad to the west line of Section 15, T 16 N, R 17 E; thence north along the west line of Sections 15 and 10, T 16 N, R 17 E to the northwest corner of said Section 10; thence east along the north line of said Section 10 and along the north line of Section 11, T 16 N, R 17 E, to the water's edge of the south side of the Alabama River; thence northwesterly down the Alabama River along the water's edge thereof to the north line of Section 3, T 16 N, R 17 E; thence west along the north line of said Section 3 and along the north line of Sections 4, 5 and 6, T 16 N, R 17 E, to the northwest corner of said Section 6, a common corner of Section 6, T 16 N, R 17 E, Section 1, T 16 N, R 16 E, Section 36, T 17 N, R 16 E, and Section 31, T 17 N, R 17 E; thence continue west along the north line of said Section 1 to the northwest corner of said Section 1; thence south along the west line of said Section 1 and along the west line of Sections 12, 13, 24, 25 and 36, T 16 N, R 16 E, to the southwest corner of said Section 36, a common corner of Sections 36 and 35, T 16 N, R 16 E, and Sections 2 and 1, T 15 N, R 16 E; thence continue south along the west line of said Section 1 and along the west line of Section 12, T 15 N, R 16 E, to the southwest corner of said Section 12; thence easterly along the south line of said Section 12 to the southeast corner of said Section 12, a common corner of Sections 12 and 13, T 15 N, R 16 E, and Sections 18 and 7, T 15 N, R 17 E; thence continue east along the south line of said Section 7 and along the south line of Sections 8, 9 and 10, T 15 N, R 17 E, to the east right-of-way line of Interstate Highway 65; thence northerly along the east right-of-way line of Interstate Highway 65 to the point of intersection with the south line of Section 35, T 16 N, R 17 E, the point of beginning. One list shall contain the names of all qualified electors who reside within the area hereinafter described and for convenience called "South Area", to-wit: Beginning at

the point of intersection of a line parallel to and 450 feet south of the center line of the Eastern By-Pass and the South Boulevard with the northeast right-of-way line of U. S. Highway 82 and U. S. Highway 231 South (Troy Highway); thence westerly along said

line parallel to and 450 feet south of the center line of the South Boulevard, to the half section line running north and south through Section 34, T 16 N, R 18 E, St. Stephen's Meridian; thence south along the said half section to the south line of said Section 34; thence continue south along the half section line running north and south through Section 3, T 15 N, R 18 E, a distance of 1,786.27 feet; thence North  $82^{\circ}52'$  West a distance of 2,000.59 feet; thence South  $49^{\circ}07'$  West a distance of 440.67 feet to the east right-of-way line of the Woodley Road; thence continue South  $49^{\circ}07'$  West to a point on the west right-of-way line of the Woodley Road; thence southeasterly along the west right-of-way line of the Woodley Road to the south line of Section 3, T 15 N, R 18 E; thence west along the south line of said Section 3 to the common corner of Sections 3, 4, 9 and 10, T 15 N, R 18 E; thence continue west along the south line of said Section 4 to the half section line running north and south through said Section 4; thence continue along the south line of said Section 4, South  $89^{\circ}33'$  West a distance of 374.8 feet; thence North  $25^{\circ}33'$  East a distance of 851.35 feet to the half section line running north and south through said Section 4; thence north along the said half section line of Section 4 to the north line of said Section 4, a common line with the south line of Section 33, T 16 N, R 18 E; thence continue north along the half section line running north and south through said Section 33 to the northeast corner of the SW  $\frac{1}{4}$  of said Section 33; thence west along the half section line running east and west through Sections 33 and 32, T 16 N, R 18 E, to the west right-of-way line of the Narrow Lane Road; thence south along the west right-of-way line of the Narrow Lane Road to the south line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of Section 5, T 15 N, R 18 E; thence west along the south line of the North  $\frac{1}{2}$  of the North  $\frac{1}{2}$  of said Section 5 to the west line of said Section 5; thence south along the west line of said Section 5 to the north right-of-way line of the Seibles Road; thence northwesterly along the north right-of-way line of the Seibles Road to the east right-of-way line of the Norman Bridge Road; thence northerly along the east right-of-way line of the Norman Bridge Road to the north right-of-way line of the Fleming Road and its extension; thence westerly along the said north right-of-way line of the Fleming Road to a point on the west line of Section 31, T 16 N, R 18 E, said line also being the east line of Section 36, T 16 N, R 17 E; thence continue westerly along the north right-of-way line of the Fleming Road to the northerly projection of the east line of the Plat of Burgwyn Estates as the same is filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 14, Page 154; thence South  $04^{\circ}20'$  East along the east line of said Plat of Burgwyn Estates and the northerly projection thereof a distance of 809.6 feet; thence South  $85^{\circ}40'$  West a distance of 274.0 feet; thence South  $04^{\circ}20'$  West a distance of 20.0 feet; thence South  $85^{\circ}40'$  West

a distance of 192.6 feet to a point on the east right-of-way line of the Seaboard Coast Line Railroad; thence northwesterly along the east right-of-way line of the Seaboard Coast Line Railroad a distance of 1,005.99 feet to the north right-of-way line of the Fleming Road; thence westerly along the north right-of-way line of the Fleming Road to the west line of Section 36, T 16 N, R 17 E; thence south along the west line of the said Section 36 and the east line of Section 35, T 16 N, R 17 E to the half section line running east and west through said Section 35, thence west along the said half section line through Section 35 to the east right-of-way line of Interstate Highway 65; thence southerly along the east right-of-way line of Interstate Highway 65 to the south line of Section 10, T 15 N, R 17 E; thence east along the south line of said Section 10, T 15 N, R 17 E; thence east along the south line of said Section 10 and along the south line of Sections 11 and 12, T 15 N, R 17 E, to the southeast corner of said Section 12, a common corner of Sections 12 and 13, T 15 N, R 17 E, and Sections 18 and 7, T 15 N, R 18 E; thence continue east along the south line of Section 7 and along the south line of Sections 8, 9, 10, 11 and 12, T 15 N, R 18 E, to the southeast corner of said Section 12, a common corner of Sections 12 and 13, T 15 N, R 18 E, and Sections 18 and 7, T 15 N, R 19 E; thence continue east along the south line of said Section 7 and along the south line of Section 8, T 15 N, R 19 E, to the southeast corner of the West  $\frac{1}{2}$  of said Section 8; thence north along the east line of the West  $\frac{1}{2}$  of said Section 8 to the north right-of-way line of the Central of Georgia Railroad; thence westerly along the north right-of-way line of the Central of Georgia Railroad to the southeast side of a paved drive to the Alabama Assemblies of God Headquarters; thence southwesterly along the southeast side of said paved drive to the Alabama Assemblies of God Headquarters, to the northeast right-of-way line of U. S. Highway 82 and U. S. Highway 231 South (Troy Highway); thence northwesterly along the northeast right-of-way line of U. S. Highway 82 and U. S. Highway 231 South a distance of 1300 feet, more or less, to the south line of Section 6, T 15 N, R 19 E; thence continue northwesterly along the northeast right-of-way line of said U. S. Highway 82 and U. S. Highway 231 South to the point of intersection with a line parallel to and 450 feet south of the center line of the Eastern ByPass and the South Boulevard, the point of beginning.

One list shall contain the names of all qualified electors who reside within the area hereinafter described and for convenience called "East Area", to-wit:

Beginning at the northeast corner of Section 29, T 17 N, R 18 E, St. Stephen's Meridian, a common corner of Sections 29, 20, 21 and 28, T 17 N, R 18 E; thence south along the east line of said Section 29

a distance of 2,227 feet, more or less, to the intersection of the eastern extension of the south line of the Map of Boylston Park Plat, as the same is filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 14, Page 51; thence west along the south line of the eastern extension of said Map of Boylston Park 550 feet; thence continue west along the south line of said Map of Boylston Park 881.85 feet to the southwest corner of said Map of Boylston Park; thence continue west along the western extension of the south line of Boylston Park 176.55 feet; thence northerly 185.2 feet to a point on the south right-of-way line of Johnson Avenue, said point being 173.4 feet west of the northwest corner of Lot "O" of said Map of Boylston Park; thence west along the south right-of-way line of Johnson Avenue to a point on the west right-of-way line of the Lower Wetumpka Road; thence southerly along the west right-of-way line of Lower Wetumpka Road to the point of intersection of said west right-of-way line and the north line and projection thereof of Blocks 6 and 5 according to the Map of Vandiver Place, as the same is filed for record in the Office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 8, Page 38; thence east along the said north line and projection thereof of Blocks 6 and 5 according to the said Map of Vandiver Place a distance of 1,485.3 feet, more or less, to the northeast corner of Lot 32, in Block 6 of said Map of Vandiver Place; thence in a northerly direction along the northerly projection of the east line of said Map of Vandiver Place a distance of 1,348 feet, more or less, to a point on the south right-of-way line of the Western Railway of Alabama Railroad; thence easterly along the south right-of-way line of the Western Railway of Alabama Railroad a distance of 1,870 feet, more or less, to a point on the east line of Section 29, T 17 N, R 18 E; thence south along the east line of said Section 29 to the southeast corner of said Section 29, the said corner also being a common corner of the northwest corner of Section 33, T 17 N, R 18 E; thence east along the north line of said Section 33 a distance of 83.5 feet; thence south and parallel to the west line of said Section 33 to a point on the north right-of-way line of the Seaboard Coast Line Railroad, said point being on the east right-of-way line of the Fairground Road; thence southeasterly along the said north right-of-way line of the Seaboard Coast Line Railroad to a point on the half section line running north and south through Section 33; thence south along said half section line to a point on the south line of said Section 33; thence east along the south line of said Section 33 to the southeast corner of said Section 33, the said corner also being a common corner of the northwest corner of Section 3, T16N, R18E; thence east along the north line of said Section 3 to a point on the south right-of-way line of the Seaboard Coast Line Railroad; thence southeasterly along the south right-of-way line of the Seaboard



Coast Line Railroad to a point on the west right-of-way line of the Dalraida Road; thence southerly along the west right-of-way line of the Dalraida Road to a point on the south line of the North  $\frac{1}{2}$  of said Section 3; thence east along the south line of the North  $\frac{1}{2}$  of said Section 3 to a point on the east line of said Section 3; thence continue east along the half section line running east and west through Section 2, T16N, R18E to the east line of said Section 2; thence northerly along the east line of said Section 2 to a point on the east line of said Section 2 being 1,375.07 feet south of the northeast corner of said Section 2, the said point also being on the south right-of-way line of a proposed street from the Eastern By-Pass to Gunter Industrial Park; thence South  $89^{\circ} 46'$  West along the south right-of-way line of said proposed street to a point on the east right-of-way line of Gunter Park Drive East; thence northerly along the east right-of-way line of Gunter Park Drive East a distance of 83.4 feet to the point of intersection of the east right-of-way line of Gunter Park Drive East and the north right-of-way line of said proposed street; thence North  $89^{\circ} 46'$  East along the north right-of-way line of said proposed street a distance of 200.0 feet; thence North  $04^{\circ} 48'$  East a distance of 200.0 feet; thence South  $89^{\circ} 46'$  West a distance of 193.38 feet to a point on the east right-of-way line of Gunter Park Drive East; thence northerly along the east right-of-way line of Gunter Park Drive East a distance of 5,239.24 feet, more or less, to the point of curvature of a curve concave southwest; thence northwesterly along the east right-of-way line of Gunter Park Drive East, along the arc of said curve, the chord of which bears North  $52^{\circ} 50'$  West a distance of 387.76 feet to the point of tangency of said curve; thence North  $87^{\circ} 56'$  West along the north right-of-way line of Gunter Park Drive a distance of 514.58 feet; thence North  $00^{\circ} 05'$  East a distance of 268.66 feet; thence North  $89^{\circ} 55'$  West a distance of 250.0 feet; thence South  $00^{\circ} 05'$  West a distance of 260.0 feet to a point on the north right-of-way line of Gunter Park Drive; thence North  $87^{\circ} 56'$  West along the north right-of-way line of Gunter Park Drive a distance of 77.85 feet; thence North  $00^{\circ} 05'$  East a distance of 801.2 feet; thence North  $89^{\circ} 55'$  East a distance of 127.85 feet; thence North  $00^{\circ} 05'$  East a distance of 80.8 feet to a point on the north line of Section 35, T17N, R18E; thence east along the north line of said Section 35 a distance of 2,055.6 feet to a point on the west right-of-way line of the Eastern By-Pass; thence southerly along the west right-of-way line of the Eastern By-Pass along the arc of a curve, the chord of which bears South  $49^{\circ} 02'$  East, a distance of 603.74 feet; thence continue southerly along the west right-of-way line of the Eastern By-Pass along the arc of a curve, the chord of which bears South  $31^{\circ} 32'$  East, a distance of 2,793.53 feet; thence North  $86^{\circ} 39''$  West a distance of 214.39 feet; thence North  $02^{\circ} 03'$  West a distance of 96.62 feet;

thence North  $88^{\circ} 18'$  West a distance of 357.27 feet; thence South  $09^{\circ} 00'$  East a distance of 2,678.92 feet to a point on the north line of Section 1, T16N, R18E; thence South  $88^{\circ} 53'$  East along the north line of said Section 1 a distance of 544.71 feet; thence South  $17^{\circ} 52'$  East a distance of 302.64 feet; thence South  $03^{\circ} 18'$  West a distance of 727.75 feet; thence South  $88^{\circ} 53'$  East a distance of 562.28 feet; thence South  $14^{\circ} 03'$  East a distance of 169.28 feet to a point on the north right-of-way line of a proposed street from the Eastern By-Pass to Gunter Industrial Park; thence North  $74^{\circ} 25'$  East along the north right-of-way line of said proposed street to the point of intersection of the north right-of-way line of said proposed street and the west right-of-way line of the Eastern By-Pass; thence South  $15^{\circ} 35'$  East along the west right-of-way line of the Eastern By-Pass a distance of 60.0 feet to the point of intersection of the west right-of-way line of the Eastern By-Pass and south right-of-way line of said proposed street; thence South  $74^{\circ} 25'$  West along the south right-of-way line of said proposed street a distance of 240.76 feet; thence South  $14^{\circ} 03'$  East a distance of 136.47 feet to a point, said point being the southeast corner of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 1, T16N, R18E; thence southerly along the east line of the NW  $\frac{1}{4}$  of said Section 1 to the southeast corner of the NW  $\frac{1}{4}$  of said Section 1; thence west along the south line of the NW  $\frac{1}{4}$  of said Section 1 to a point on the east line of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 1; thence south along the said east line of the West  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 1 to a point on the north right-of-way line of the Seaboard Coast Line Railroad; thence northwesterly along the north right-of-way line of the Seaboard Coast Line Railroad to a point on the west line of said Section 1; thence southerly along the west line of said Section 1 to the southwest corner of said Section 1, the said corner also being a common corner of the northwest corner of Section 12, T16N, R18E; thence southerly along the west line of Section 12 to a point on the south right-of-way line of the Wares Ferry Road; thence easterly along the south right-of-way line of the Wares Ferry Road to a point on the south right-of-way line of the Seaboard Coast Line Railroad; thence easterly along the south right-of-way line of the Seaboard Coast Line Railroad to a point on the east right-of-way line of the Eastern By-Pass; thence northerly along the east right-of-way line of the Eastern By-Pass to a point on the north line of Section 1, T16N, R18E; thence east along the north line of said Section 1 to the northeast corner of said Section 1, the said corner also being a common corner of the northwest corner of Section 6, T16N, R19E; thence continue east along the north line of said Section 6 to the northeast corner of said Section 6; thence southerly along the east line of said Section 6 to the southeast corner of said Section 6, the said corner also being a common corner of the northeast corner of

Section 7, T16N, R19E; thence south along the east line of said Section 7 to a point on the north right-of-way line of the Atlanta Highway (U.S. Highway No. 80 East); thence west along the north right-of-way line of the Atlanta Highway to a point being 450 feet east of, and measured perpendicular to, the center line of the Eastern By-Pass; thence southerly along a line parallel to and 450 feet east of the center line of the said Eastern By-Pass to a point on the north line of the Holiday Inn Property; thence southeasterly along the north line of the Holiday Inn Property to a point 650 feet east of, measured perpendicular to, the center line of the Eastern By-Pass; thence southwesterly along a line parallel to and 650 feet east of the center line of the Eastern By-Pass to a point on the south property line of said Holiday Inn Property and the north right-of-way line of Interstate Highway 85; thence northwesterly along the south property line of said Holiday Inn Property and the north right-of-way line of Interstate Highway 85 a distance of 202.48 feet to a point being 450 feet east of, and measured perpendicular to, the center line of the Eastern By-Pass; thence southwesterly along a line parallel to and 450 feet east of the center line of the said Eastern By-Pass to a point on the south line of Section 13, T16N, R18E; thence west along the south line of said Section 13 to the southwest corner of said Section 13, the said corner also being a common corner of the southeast corner of Section 14, T16N, R18E; thence continue west along the south line of said Section 14 to the east line of the West  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said Section 14; thence north along the east line of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of said Section 14 to the half section line running east and west through the centerline of said Section 14; thence east along the said half section line of Section 14 to the east line of said Section 14; thence north along the east line of said Section 14 to the northeast corner of said Section 14, the said corner also being a common corner of the southwest corner of Section 12, T16N, R18E; thence east along the south line of said Section 12 to the east line of the Map of Colonial Heights, as the same is filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 8, Page 68; thence northerly along the east line of said Map of Colonial Heights to the south right-of-way line of the Atlanta Highway (U.S. Highway No. 80 East); thence west along the south right-of-way line of said Atlanta Highway to a point of 36 feet west of the northeast corner of Lot 4 of said Plat of Colonial Heights; thence in a southeasterly direction through said Lot 4 to the southeast corner of said Lot 4; thence west along the north line of Lot 10 of said Map of Colonial Heights to a point on a line 50 feet east of Lot 12 of said map and parallel to the west line of Lot 10; thence south along said line 50 feet east of said Lot 12 and parallel to the west line of said Lot 10 to a point on the north line of said Lot 12; thence in a southwesterly direction through said Lot 12 to the

southeast corner of Lot 13 of said map; thence west along the south line of said Lot 13 to the west line of said Lot 13; thence north along the west line of said Lot 13 to the north line of said Lot 13; thence east along the north line of said Lot 13 to a point on a line 100 feet east of, and parallel to, the west line of Lot 6 of said Map of Colonial Heights; thence north and parallel to the west line of said Lot 6 to a point on the south right-of-way line of the Atlanta Highway, said point being 100 feet east of the west line of said Lot 6; thence west along the south right-of-way line of the Atlanta Highway to the west line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of Section 11, T16N, R18E; thence south along the west line of the East  $\frac{1}{2}$  of the East  $\frac{1}{2}$  of said Section 11 to the north line of said Map of Colonial Heights; thence west along the north line of said Map of Colonial Heights to the west line of said Map of Colonial Heights; thence south along the west line of said Map of Colonial Heights a distance of 1,551 feet to the south line of said Section 11; thence west along the south line of said Section 11 to the southeast corner of the SW  $\frac{1}{4}$  of said Section 11; thence north along the east line of the SW  $\frac{1}{4}$  of said Section 11 to the south right-of-way line of the Atlanta Highway; thence west along the south right-of-way line of the Atlanta Highway to the west line of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 11; thence south along the west line of the East  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 11 to the south line of said Section 11; thence continue south along the west line of the East  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 14, T16N, R18E, to the half section line running east and west through the center of said Section 14; thence west along the said half section line to the west line of said Section 14; thence south along the west line of said Section 14 to the southwest corner of said Section 14, the said corner also being a common corner of the northwest corner of Section 23, T16N, R18E; thence east along the north line of said Section 23 to the half section line running north and south through said Section 23; thence south along the said half section line running north and south through said Section 23 to a point on the south right-of-way line of the Vaughn Road, the said point being the northeast corner of the Plat of the Map of Green Acres, Plat No. 1, as the same is filed for record in the office of the Judge of Probate, Montgomery County, Alabama, in Plat Book 13, Page 163; thence northwesterly along the south right-of-way line of the Vaughn Road and the north line of said Plat of Green Acres to the west line of said Plat of Green Acres; thence south along the west line of said Plat of Green Acres to the south line of said Plat of Green Acres; thence east along the south line of said Plat of Green Acres to the east line of said Plat of Green Acres; thence north along the east line of the said Plat of Green Acres to the south right-of-way line of the Vaughn Road; thence southeasterly along the south right-of-way line of the Vaughn Road to a point 716.58 feet east of the east right-of-way line of the Rexford Road, said point being the

northeast corner of the property of the Catholic High School of Montgomery; thence South  $03^{\circ} 33'$  East along the east line of said property and the projection thereof a distance of 3,989.0 feet, more or less, to the south line of Section 25, T 16 N, R 18 E; thence west along the south line of said Section 25 a distance of 2,232.0 feet to the common corner of Section 25, 26, 35 and 36, T 16 N, R 18 E; thence south along the east line of said Section 35 a distance of 2,634.48 feet to the southeast corner of the NE  $\frac{1}{4}$  of said Section 35; thence west along the south line of the NE  $\frac{1}{4}$  of said Section 35 a distance of 2,124.24 feet to the northeasterly right-of-way line of the Central of Georgia Railroad; thence northwesterly along the northeasterly right-of-way line of the Central of Georgia Railroad a distance of 769.17 feet to the west line of the NE  $\frac{1}{4}$  of said Section 35; thence north along the west line of the NE  $\frac{1}{4}$  of said Section 35 to a point lying 450 feet southeast of, and measured perpendicular to the center line of the Eastern By-Pass; thence southerly and westerly along a line parallel to and 450 feet southeasterly of the center line of the Eastern By-Pass to the northeast right-of-way line of U. S. Highway 82 and U. S. Highway 231 South (Troy Highway); thence southeasterly along the northeast right-of-way line of U. S. Highway 82 and U. S. Highway 231 South to the south line of Section 6, T 15 N, R 19 E; thence continue southeasterly along the northeast right-of-way line of said U. S. Highway 82 and U. S. Highway 231 South a distance of 1300 feet, more or less, to the southeast side of a paved drive to the Alabama Assemblies of God Headquarters; thence northeasterly along the southeast side of said paved drive to the Alabama Assemblies of God Headquarters, to the north right-of-way line of the Central of Georgia Railroad; thence easterly along the north right-of-way line of the Central of Georgia Railroad to the east line of the West  $\frac{1}{2}$  of Section 8, T 15 N, R 19 E; thence north along the east line of the West  $\frac{1}{2}$  of said Section 8 and along the east line of the West  $\frac{1}{2}$  of Section 5, T 15 N, R 19 E, to the northeast corner of the West  $\frac{1}{2}$  of said Section 5, a common corner with the southeast corner of the West  $\frac{1}{2}$  of Section 32, T 16 N, R 19 E; thence continue north along the east line of the West  $\frac{1}{2}$  of said Section 32 and along the east line of the West  $\frac{1}{2}$  of Sections 29, 20, 17, 8 and 5, T 16 N, R 19 E, to the northeast corner of the West  $\frac{1}{2}$  of said Section 5, a common corner with the southeast corner of the West  $\frac{1}{2}$  of Section 32, T 17 N, R 19 E; thence continue north along the east line of the West  $\frac{1}{2}$  of said Section 32 and along the east line of the West  $\frac{1}{2}$  of Section 29, T 17 N, R 19 E, to the northeast corner of the West  $\frac{1}{2}$  of said Section 29; thence west along the north line of said Section 29 to the center of the channel of the Tallapoosa River; thence westerly down the center of the channel of the Tallapoosa River (the Montgomery County-Elmore County line) to the north line of Section 30, T 17 N, R 19 E; thence continue west along the

north line of said Section 30 to the northwest corner of said Section 30, a common corner of Sections 30 and 19, T 17 N, R 19 E, and Sections 24 and 25, T 17 N, R 18 E; thence continue west along the north line of said Section 25 and along the north line of Sections 26, 27 and 28, T 17 N, R 18 E, to the northwest corner of said Section 28, the point of beginning.

Also, beginning at the southwest corner of the North  $\frac{1}{2}$  of Section 31, T 17 N, R 18 E; thence north along the west line of said Section 31 to the center of the channel of the Alabama River; thence northerly up the center of the channel of the Alabama River (the Montgomery County-Elmore County line) to the north line of said Section 31; thence east along the north line of said Section 31 to a point on the south right-of-way line of the Western Railway of Alabama Railroad; thence in a southwesterly direction along the said south right-of-way line of the Western Railway of Alabama Railroad to the half section line east and west through said Section 31; thence west along said half section line of Section 31 to the southwest corner of the North  $\frac{1}{2}$  of said Section 31, the point of beginning. One list shall contain the names of all qualified electors residing in the County of Montgomery and not included in "West Area", "South Area" and "East Area" and for convenience called "City-County". Separate ballot boxes or voting machines shall be used for electors listed on each of the four said lists, and the voting places shall be designated in the notice of the election as hereinafter provided; the votes shall be counted and the returns canvassed, tabulated and certified as to each of the four groups of electors. In all other respects the election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the fourth Tuesday of January, 1979. Notice of the election shall be given by the Judge of Probate of Montgomery County, which notice shall be published once a week for four consecutive weeks prior to the day of the election and said notice shall state the places of voting for all four groups of electors. The poll lists to be used in the election shall be open for public inspection during regular business hours of the Probate Court for the two weeks immediately prior to the election. The proposition to be voted on shall be stated substantially as follows: "Do you favor the local law passed at the 1978 Regular Session of the Legislature altering or extending the boundaries of the City of Montgomery? Yes ( ) No ( ).

If both a majority of the electors residing within the area called "West Area" and a majority of the electors residing within the area called "City-County" vote in the affirmative, the area called "West Area" shall be annexed to the City of Montgomery on January 1, 1980, and as to said "West Area" the other provisions of this Act

shall be in full force and effect on said date. If a majority of the electors within either the area called "West Area" or the area called "City-County" vote in the negative, this part of this Act as to "West Area" shall have no further effect.

If both a majority of the electors residing within the area called "South Area" and a majority of the electors residing within the area called "City-County" vote in the affirmative, the area called "South Area" shall be annexed to the City of Montgomery on January 1, 1980, and as to said "South Area" the other provisions of this Act shall be in full force and effect on said date. If a majority of the electors within either the area called "South Area" or the area called "City-County" vote in the negative this part of this Act, as to "South Area" shall have no further effect.

If both a majority of the electors residing within the area called "East Area" and a majority of the electors residing within the area called "City-County", vote in the affirmative; the area called "East Area" shall be annexed to the City of Montgomery on January 1, 1980, and as to said "East Area" the other provisions of this Act shall be in full force and effect on said date. If a majority of the electors within either the area called "East Area" or the area called "City-County" vote in the negative this part of this Act, as to "East Area" shall have no further effect.

The Judge of Probate shall certify the results of the election, separately as to each group of electors of each area, as provided for herein, to the Secretary of State and to the Mayor and City Council of the City of Montgomery. The City of Montgomery may, if either "West Area", "South Area" or "East Area" vote for annexation begin planning to provide the named municipal services for any or all areas so voting.

**Section 7.** Should any section, provision or part of this Act be declared unconstitutional or void by any court of competent jurisdiction, it shall not affect the validity of the remaining provisions or parts of this Act.

**Section 8.** This act shall become effective, as set out hereinabove, upon its passage and approval by the Governor, or its otherwise becoming a law.

Approved April 12, 1978

Time: 3:00 P.M.

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Relating to Montgomery County; to change the method of compensating the tax assessor, placing said official on a salary basis; to provide that the fees, commissions and allowances provided such official shall be paid into the county treasury; and provide that the cost of the operation of the office of the tax assessor shall be borne in part by the City of Montgomery.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The tax assessor of Montgomery County shall receive an annual salary of \$27,500.00 payable in equal monthly installments from the general fund of the county. Said salary shall be the entire compensation received by the tax assessor in any official and ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the tax assessor.

**Section 2.** All fees, commissions, allowances, percentages and other charges heretofore collected for the use of the tax assessor shall hereafter be collected and paid into the general fund of the county, except as provided hereinafter.

**Section 3.** The governing body of Montgomery County shall provide the tax assessor with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of the office. The compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

**Section 4.** The City of Montgomery shall reimburse Montgomery County at the end of each fiscal year at the rate of  $\frac{1}{2}$  of 1% ad valorem taxes collected for the City of Montgomery; provided however, that such reimbursement shall not exceed in any one year an amount equal to  $\frac{1}{3}$  of all costs of operating the office of tax assessor, including the salary of the tax assessor.

**Section 5.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 12, 1978

Time: 3:00 P.M.



Act No. 388

H. 979—Venable, Plaster

## AN ACT

Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds.

*Be It Enacted by the Legislature of Alabama:*

## Section 1.

(a) Deputies of the sheriff's department of Elmore County shall be compensated on the basis of years of continuous service according to the following table:

| Years of Continuous Service | Monthly Salary | Monthly Expense Allowance |
|-----------------------------|----------------|---------------------------|
| 0 - 3                       | \$800.00       | \$50.00                   |
| 3 - 5                       | \$850.00       | \$50.00                   |
| 5 - 7                       | \$900.00       | \$50.00                   |
| 7 - 10                      | \$950.00       | \$50.00                   |
| 10 or more                  | \$1,000.00     | \$50.00                   |

(b) The chief deputy shall receive an additional \$100.00 per month, and \$50.00 per month expense allowance.

(c) The assistant chief deputy shall receive an additional \$50.00 per month and \$50.00 per month expense allowance.

**Section 2.** The salaries and expense allowances herein provided shall constitute the total compensation payable to such individuals, in lieu of any salary, expense allowance or other compensation heretofore provided by law. The salaries and allowances herein provided shall be paid out of any county funds available for such purposes and in the same manner as other county employees are paid.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1978

Time: 2:00 P.M.

Act No. 389

S. 336—Little And Higginbotham

## AN ACT

To repeal Act No. 70, S. 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 70, 60 of the 1977 First Special Session of the Legislature (Acts of 1977, p. 1499) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for members of the county commission," is hereby repealed.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13th, 1978 without approval by the Governor.

Act No. 390

S. 337—Higginbotham and Little

## AN ACT

To amend Section 4 of Act No. 182, H. 439, Regular Session 1977, which act provides for the reidentification of registered voters of Chambers County so as to further provide for the compensation of the members of the board of registrars for attendance upon special sessions of the board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4 of Act No. 182, H. 439, Regular Session 1977, is hereby amended to read as follows:

"Section 4. Each member of the board of registrars shall receive the same compensation as provided for regular sessions of the board for each day's attendance upon the special sessions of the board required under the provisions of this act; but if such special session is held on the same day a regular session is required to be held under the laws of this state, registrars shall receive only one per diem allowed for performing their regular duties, it being the intent and purpose of this act that registrars shall be entitled to receive only per diem allowance for one day's service. If one or more

of the members of the board shall refuse, neglect, or be unable to serve, or if a vacancy or vacancies occur in the membership of the board from any cause, the Governor, State Auditor, and commissioner of Agriculture and Industries, or a majority of them shall forthwhile make other appointments to fill such vacancies.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 391

S. 338—Higginbotham and Little

### AN ACT

To amend Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1472) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," so as to provide that the additional compensation be paid out of any county fund or funds, including the road and bridge fund.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act No. 50, H. 91 of the 1977 First Special Session (Acts of 1977, p. 1492) entitled, "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," is hereby amended to read as follows:

"Section 2. In addition to any and all other compensation and salary provided for by law, the members of the county commission of counties to which this act applies shall be entitled to receive an additional compensation of \$100 per month paid out of any county fund or funds, including the road and bridge fund."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 392

S. 465—Mitchell

## AN ACT

Relating to Crenshaw County, providing certain compensation to members of the county hospital board in lieu of expense reimbursements now payable to such persons, and repealing conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the Crenshaw County Hospital Board shall receive \$20.00 per day as compensation for each day the board meets to conduct business. The compensation herein provided shall be payable from the county hospital in lieu of any and all expenses or expense reimbursements now payable to such persons, the provisions of Section 22-21-76, Code of Alabama 1975, to the contrary notwithstanding.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws in conflict herewith are hereby repealed and the provisions of Section 22-21-76, Code of Alabama 1975, only insofar as they conflict with this act, are hereby expressly superseded by the provisions of this act.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 393

S. 471—Mitchell

## AN ACT

Relating to Crenshaw County; providing an additional expense allowance for the county corner.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county coroner of Crenshaw County shall receive an additional expense allowance in the amount of \$100 per month, payable out of the county general fund. The expense allowance provided by the provisions of this act shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 394

S. 491—Teague

### AN ACT

To authorize, provide for and regulate the establishment and operation of a pension and retirement system for employees of the City of Childersburg and certain municipal boards of such city; to authorize and provide for the establishment of the Childersburg Employees Pension Trust Fund, provide for the composition, management and administration of such trust funds; and to authorize, provide for and regulate the payments of benefits under the system.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** A pension and retirement system for employees of the City of Childersburg, the Utilities Board of the City of Childersburg, a public corporation organized under the general law, may be established and the Childersburg Employees Pension Trust Fund in connection therewith may be created, maintained and administered for the benefit of such employees in the manner hereinafter prescribed.

**Section 2.** If the mayor and City Council of the City of Childersburg, the Board of Directors of the Utilities Board of the City of Childersburg, hereinafter individually and collectively called the Employer, desire to establish such system they shall each separately approve the plan for the pension and retirement system. When such plan is approved by each of such employers, the system shall become effective as of the date specified in the plan.

**Section 3.** Any pension and retirement plan adopted pursuant to this act may: 1. Be designated and known as the Childersburg Employees Pension Trust. 2. Provide for establishment of a trust so designed that it will qualify under Sections 401, 404, and 501, United States Internal Revenue Code (should these provisions of the Internal Revenue Code ever apply to any one of the Employers named in Section 2 hereabove) as a taxexempt pension plan for Federal Income Tax purposes. 3. Prescribe conditions for voluntary participation in the system by persons employed by each of the above named employers when the system becomes effective and may provide for compulsory participation in the system by certain classes of

employees of such employers who are employed after the system becomes operative. 4. Provide for contributions by the employees and by the employers to the Pension Trust Fund from which benefits under this system shall be paid; and shall prescribe the amount of such contributions, and the method and time of payment thereof. Such plan may also provide for contributions by employees who are over a certain age (specified in the plan) and who have had a certain number of years or more of prior service (such number to be specified in the plan) when the system becomes effective at a greater rate than other employees, and they also authorize contributions from other sources to be accepted for the trust. 5. Provide for and prescribe the manner of the payment of benefits upon reaching normal retirement age and upon retirement because of disability prior to such age; and the plan may provide for payments of benefits or returns of contributions upon separations from service at an earlier age; but it shall not provide for payment of benefits upon the death of that employee, except that such plan may provide for a continuation of an employee's pension at a reduced rate to his or her spouse or the return of contributions, at the option of the employee, beyond the date of such employee's death. Sixty-five years of age shall be the normal retirement age under a retirement system established under this act. 6. Prescribe rules for computing service creditable toward retirement and the compensation base upon which benefits are to be determined. 7. Provide for the administration of the pension system by an employer pension committee, provide for the composition of this committee, prescribe the rights, powers, duties, authority and liabilities of such committee and of the members thereof and may prescribe the effect to be given to decisions of such committee relative to matters involving rights to benefits and the management and administration of the trust fund. The employer may, but is not required to, employ an actuarial service to assist the employer in the establishment, implementation, and administration of the trust fund or for whatever purpose the employer may so desire in connection with the Childersburg Employees Pension Trust Fund. 8. Authorize and provide for the execution of a trust agreement between the employers and a bank, having a trust department duly licensed to serve as trustee in Alabama, to accept and administer the Childersburg Employees Pension Trust Fund created pursuant to the pension and retirement plan authorized by this Act. 9. Provide for and prescribe the manner in which the employers, or any one of them may terminate its obligations under the system and provide for the continuation of the system as long as any one employed there continues its participation. The rules relative to termination of the system shall provide for safeguarding the rights of members of the

system. 10. Authorize, provide for, and regulate amendments to the pension plan and to any trust agreement made pursuant to that part of the plan authorized in item 8 above. The plan may provide that amendments thereof may be made by the City Council of the City of Childersburg, subject to approval or veto by the Mayor, without the consent of any party, except that no amendment shall, without his consent, deprive, limit, lessen or restrict any right or interest to which an employee is already entitled from prior contributions of an employer, unless required to preserve the pension plan and trust as a qualified tax-exempt trust under Federal income tax laws. No amendment shall be made or authorized under the plan which vests any right, title or interest in or to the trust fund established under this act in the employer, or any one of them; nor shall any amendment, which affects the rights, duties, responsibilities or obligations of the trustee under the trust agreement be authorized or made without the consent of the trustee. 11. Provide for the employment of an actuary and authorize and provide for the use of tables, valuations, data and opinions furnished by the actuary. The employment of an actuarial service is discretionary as authorized in item 7 above. 12. Prescribe the manner of giving required notices, instructions, and communications and of filing requests.

**Section 4.** The right of a person to a pension, or any other benefits or to a return of contributions under a pension system established under this Act and the moneys in the Childersburg Employees Pension Trust Fund are exempt from any state or municipal tax and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable, except as in this Act specifically otherwise provided.

**Section 5.** No provisions of a pension plan adopted hereunder shall bestow or purport to bestow or be construed to bestow on any employee of any employer, listed in Section 2 of this Act, the right to be retained in the employ of either of such employers, nor shall any provision in such a pension plan be construed to curtail or in any manner interfere with the right of the employer to terminate the employment of any employee at any time.

**Section 6.** All benefits provided under any plan adopted under this Act shall be payable by the trustee under the direction of the employers pension committee, and solely from the Childersburg Employees Pension Trust Fund and the earnings thereon. Under no circumstances shall the employers, nor any one of them, be liable for the payment to any beneficiary of any of such benefits; nor shall the officers, directors and employees of such employers, nor the trustee, nor the members of the employer pension committee be individually liable therefor. However,

nothing hereinabove shall be deemed to relieve any person from liability for losses to the system or the pension trust fund resulting from his gross negligence or wilful misconduct in the administration of the system of the trust.

**Section 7.** A copy of the pension plan and of any and all amendments thereto shall be kept at the office of the City Clerk and at the main office of each of the employers, and such copies shall be available to employees of such employers for inspection at all reasonable times.

**Section 8.** This Act is supplemental and its purpose is to provide an additional or alternative method of providing for the retirement and pensioning of municipal employees of Childersburg and the Utilities Board of Childersburg. It shall not be construed to abridge the right of the employer to provide or participate in providing for the retirement and pensioning of employees in any other way or manner prescribed by law.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 10.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 395

S. 572—Waldrop

## AN ACT

Relating to Etowah County; to provide for vesting the general administration and supervision of the public schools and educational interest of certain incorporated municipalities in a city board of education.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Etowah County the general administration and supervision of the public schools and educational interest of each incorporated municipality of 12,000 or more inhabitants, according to the last or any succeeding federal census shall be vested in a city board of education under the provisions of sections 16-11-2 through 16-11-27 of the Code of Alabama 1975.

**Section 2.** This act shall in no way effect any incorporated municipality in Etowah County of 12,000 or less inhabitants,



according to the last federal census, or according to the last census taken under the provisions of sections 11-47-90 through 11-47-95 of the Code of Alabama 1975 in which there exists an independent city school system as of January 1, 1977.

**Section 3.** No municipality described in Section 1 of this act may establish a city board of education unless a majority of qualified voters of the municipality approve such action by a referendum. At such referendum election the proposition to be submitted shall be "Shall the proposition to organize the (municipality) city board of education be adopted?" The procedure for conducting the election shall be in the same manner and method as provided in Sections 11-44-2 through 11-44-6, Code of Alabama 1975.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective on May 2, 1978, conditioned on the rejection of a proposal submitted to a vote of the electors of Rainbow City to establish a city board of education in Rainbow City, Alabama.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 396

H. 158—Drake

### AN ACT

To name the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, "The Harlan G. Allen Building."

WHEREAS, Harlan Goline Allen, Sr., is a native of Cullman, Alabama, who was educated at East Point Grammar School and at the Cullman High School; he attended Saint Bernard College at Cullman and Howard College in Birmingham; and

WHEREAS, through the years, Harlan G. "Mutt" Allen has been engaged in the insurance business, served as an examiner for the State Revenue Department, served in the City Tax Service at Cullman and also as Chief Clerk in the Cullman Probate Office; and

WHEREAS, in November, 1954, Mutt Allen was elected State Senator, representing the Third District, Cullman and Winston Counties, from 1955 to 1959 and was again elected to the Senate for the 1963 to 1967 term; and

WHEREAS, further, Harlan G. "Mutt" Allen served with distinction in the United States Army from 1946 to 1948 and also was State Vice-Commander of the National Executive Committee and a member of the State Board of Veterans Affairs; he is a member of the Baptist Church, a Mason and a Shriner, and has contributed greatly to the betterment of his community, county and state; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the administration building at George C. Wallace State Community College at Hanceville, Cullman County, Alabama, is hereby designated, "The Harlan G. Allen Building."

**Section 2.** Proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in designating the said administration building as "The Harlan G. Allen Building."

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 397

H. 547—Martin, Roberts, Cross, Drake

### AN ACT

Relating to Morgan County; to permit banks now or hereafter situated in Morgan County to establish, maintain or operate branch banks and branch offices within the corporate limits of Trinity, Alabama for the conduct of a general banking and trust business; and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any bank, whether incorporated or unincorporated, within this state, now or hereafter situated within Morgan County shall have the power to establish, maintain, and operate within the corporate limits of Trinity, Alabama one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks or Comptroller of the United States Currency.

**Section 2.** The provisions of Code of Alabama 1975, Section 5-1-19, which conflict with this act are specifically repealed as to the city to which this act applies, and all other laws, general or local in conflict herewith are also repealed.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 398

H. 548—Martin, Roberts, Cross, Drake

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Decatur in Morgan County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Decatur in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Beginning at a point on the North boundary of Section 13, Township 6 South, Range 5 West and 641.75 feet west of northeast corner of said Section 13; thence from the point of beginning and continuing westerly along the north boundary a distance of 1328.28 feet; thence turning a angle of 89 degrees 20 minutes measured clockwise from back tangent and running southerly a distance of 451.0 feet; thence turning an angle of 90 degrees 40 minutes measured clockwise from bank tangent and running easterly a distance of 1980.0 feet to a point on east boundary of said Section 13; thence turning an angle of 89 degrees 20 minutes measured clockwise from back tangent and running northerly along the east boundary a distance of 50.0 feet; thence turning an angle of 90 degrees 40 minutes measured clockwise from back tangent and running westerly a distance of 651.75 feet; thence turning an angle of 90 degrees 40 minutes measured counterclockwise from back tangent and running northerly a distance of 401.0 feet to the point of beginning.

All herein described land situated in the North one-half of northeast quarter, Section 13, Township 6 South, Range 5 West, Morgan County, Alabama, and containing 14 acres, more or less.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 399

H. 642—Williams, Sasser

### AN ACT

To alter or rearrange the boundary lines of the Town of Grimes, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the boundary lines of the Town of Grimes, Dale County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits and also other territory within Dale County, Alabama, described as follows:

All of the North one-half of the Southeast one-fourth of Section 29, T4N, R26E. All of the Northeast one-fourth of Section 29, T4N, R26E. All of the Southwest one-fourth of Southeast one-fourth of Section 20, T4N, R26E, Less and except the west ten acres owned by Michelin Tire Company.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 400

H. 732—Waggoner, Moore (O)

### AN ACT

To provide an expense allowance for the District Judge of Shelby County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The governing body of Shelby County is hereby authorized, empowered and directed to pay to the District Judge of Shelby County an expense allowance in the sum of \$5,000 per annum, payable on a monthly basis. Such an expense allowance shall be in addition to all other compensation and allowances provided by law and the official receiving such allowance shall not be required to account in any manner for the spending of such expense allowance.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 401

H. 810—Smith (M), Ward

### AN ACT

To repeal Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 50, H. 91, 1977 First Special Session (Acts of 1977, p. 1472), entitled "An Act Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the 1970 or any subsequent federal decennial census; to provide additional compensation for the members of the county commission," is hereby expressly repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 402

H. 811—Smith (M), Ward

## AN ACT

Relating to Chambers County; to provide additional compensation for the members of the county commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to any and all other compensation and salary provided for by law, the members of the county commission shall be entitled to receive an additional compensation of \$100 per month paid out of any county fund or funds, including the road and bridge fund.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.



Act No. 403

H. 867—Williams

## AN ACT

Relating to Dale County; to amend Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) so as to allow certain employees continued employment.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 2 of Act 553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) is hereby amended to read as follows:

“Section 2. Each of the above named officers of Dale County is authorized to employ clerical help sufficient to operate his respective office in an efficient and businesslike manner. Temporary supplementary help may be employed by an officer during periods of increased activity in his office. The compensation of persons employed under this section shall be paid by the county governing body from the county general fund. The rate of compensation of any person employed in the offices of the probate judge, tax assessor or tax collector on March 1, 1977, shall not be reduced below the rate of compensation paid to that person on that date so long as the person remains in the same job classification in which he was employed on that date.

“Any employee of the Probate Judge, Tax Assessor or Tax Collector who was employed on or before the effective date of Act

553, H. 1296, 1977 Regular Session (Acts of 1977, p. 744) may continue employment at the pleasure of the respective officer."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 404

H. 896—Baker, Whatley

### AN ACT

Relating to Russell County, to provide further for the salary of the sheriff and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The sheriff of Russell County shall receive an annual salary to \$20,000.00, payable in equal monthly installments from the county treasury. The salary herein provided shall not be payable until the expiration of the present term of office of sheriff in said county. The salary herein provided, when it becomes effective, shall be the total compensation of the sheriff, in lieu of all other compensation and expense allowances heretofore provided by law, except that the sheriff and his deputies shall be entitled to collect and retain such mileage and expense allowances as may be payable according to law for the transportation of prisoners and insane persons to or from points outside the county.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws in conflict herewith are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 405

S. 593—McDonald (A)

## AN ACT

To further regulate fire protection in Limestone County; to authorize the governing body of Limestone County, Alabama, to establish fire districts or a fire department for Limestone County; to authorize the adoption of a fire code for Limestone County; to authorize the levying and collecting of a fire tax and to otherwise authorize fire protection measures within Limestone County; and to prescribe punishment for violation of this act and regulations promulgated hereunder.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county governing body of Limestone County is authorized, in its discretion, to establish fire districts within the geographical boundaries of Limestone County, said districts to exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this Act. The county governing body, in its discretion, may establish, in lieu of or in addition to said fire districts, a county fire department to furnish county-wide fire protection.

**Section 2.** The governing body may name a fire marshal for Limestone County. His principal duty shall be the coordination of fire protection within the county including all fire departments and fire stations, either in the district or county, and their full-time and part-time employees. Upon the request of the county governing body the fire marshal shall submit a budget for the county fire department and shall perform such other tasks related to fire protection as may, from time to time, be assigned to him by the county governing body.

**Section 3.** The governing body is hereby authorized to fix a county fire protection tax, which tax shall become effective upon the approval of a majority of electors within any particular fire district or other area of the county where the tax is to be levied. The tax fixed by the governing body shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the Tax Assessor of Limestone County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assesment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area.

**Section 4.** The county governing body is hereby authorized upon approval by resolution adopted by said governing body to adopt, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion in the county,



which shall be known as the Limestone County Fire Protection Code. Such regulations shall have the force and effect of law and any violation thereof may, within the discretion of the county governing body, constitute a Class A misdemeanor, as defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts, 1977, p. 812), and upon conviction may be punished by a fine not exceeding \$1,000 or imprisonment in the county jail, not to exceed one year, or both fine and imprisonment. Said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this Act.

**Section 5.** The county governing body is hereby authorized to employ or to authorize the employment of a fire marshal, fire inspectors, firemen, secretarial and clerical employees and any other employees which it deems necessary to carry out the provisions of this Act and it is further authorized to make such expenditures for salaries, equipment, property (whether real, personal or mixed), or other expenses related to fire protection which it deems necessary to carry out the provisions of this Act.

**Section 6.** The provisions of this Act are severable, and should any part of this Act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

**Section 7.** It is hereby provided that all laws or parts of laws, general, local or special, which conflict with this Act are hereby repealed.

**Section 8.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 406

S. 691—Wilson

### AN ACT

To provide for the director's fee and expense allowance of the chairman and each member of the board of directors of the Jasper Utilities Board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** At the discretion of the board of directors, the chairman and each member of the board of directors of Jasper Utilities Board, a municipal corporation organized under the provisions of Title 11, Article 9 of the Code of Alabama 1975, shall be entitled to the following director's fee:

|                                                              |                    |
|--------------------------------------------------------------|--------------------|
| Chairman of the board of directors                           | \$200.00 per month |
| Members of the board of directors<br>other than the chairman | \$150.00 per month |

The chairman and each member in addition to their director's fee shall be entitled, at the discretion of the board, to an expense allowance of \$150.00 per month for expenses incurred in the performance of their duties. The directors' fees and expense allowances provided herein shall be payable from the revenues of the Jasper Utilities Board, and shall be the only compensation and allowance for service on the board of directors.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Seciton 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 407

S. 667—Higginbotham

### AN ACT

Relating to the District Court for Russell County; authorizing the governing body of Russell County, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County not to exceed \$3,000.00 per year.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Effective January 1, 1978, and thereafter, the governing body of Russell County shall be authorized, in its discretion, to provide an expense allowance for the Judge of the District Court for Russell County in an amount not to exceed \$3,000.00 per annum to be paid in monthly installments out of the general fund of Russell County. Such expense allowance shall be in addition to any and all other salary, expense allowance or compensation currently paid to said judge.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

Act No. 408

S. 689—Higginbotham

### AN ACT

Relating to Russell County; to change the method of compensating certain county officers, placing the officers on a salary and providing for a clerk hire allowance for each of such officers.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The probate judge, the tax assessor, and the tax collector of Russell County shall receive, in equal monthly installments from the general fund of the county, the following annual salaries:

|                      |          |
|----------------------|----------|
| (a) judge of probate | \$35,000 |
| (b) tax assessor     | \$30,000 |
| (c) tax collector    | \$30,000 |

Said salaries shall be the entire compensation received by any of the above county officers for his services in any official and any ex officio capacity and shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to any such officers.

**Section 2.** All fees, commissions, allowances, percentages and other charges heretofore collected for the use of said officers, shall hereafter be collected and paid into the general fund of the county.

**Section 3.** The Russell County commission shall provide each of the above officers with the necessary quarters, books, stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

**Section 4.** The Russell County commission shall provide each of such officers annual allowances for the purpose of hiring clerks or assistants, as follows:

|                      |          |
|----------------------|----------|
| (a) judge of probate | \$45,000 |
| (b) tax assessor     | \$40,000 |

(c) tax collector

\$20,000

Said allowances shall be paid monthly from the general fund of the county directly to such clerks or assistants as may be hired by such officers.

**Section 5.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 7.** This act shall become effective as to each officer named herein on the first day of his next term beginning after the ratification of an amendment to the constitution authorizing a law regulating the compensation of certain officers of Russell County, provided that a majority of qualified electors of Russell County voting at the Constitutional Amendment election voted in favor of such amendment.

This Act became a law under Section 125 of the Constitution on April 13, 1978 without approval by the Governor.

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Act No. 409

H. 61—Smith (B)

### AN ACT

To amend Sections 22-21-130, 22-21-131, 22-21-133, 22-21-135, 22-21-141, 22-21-142, 22-21-144, 22-21-145, 22-21-149 and 22-21-152 of the Code of Alabama of 1975, so as to make it clear that hospital authorities heretofore organized under the provisions of Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as well as hospital authorities organized under the provisions of Article 5 of Chapter 21 of Title 22 of the Code of Alabama of 1975, shall be governed exclusively by said Article 5, and that all such hospital authorities may issue bonds payable out of revenues derived from the operation as well as from the leasing of any one or more of its projects; to provide for the amendment of the certificate of incorporation of any such hospital authority and to specify certain matters that may be included in any such certificate of incorporation and in any amendment thereto; to authorize and provide for an increase in the number of members of the board of directors of any such authority and to specify the procedure for the election of any such new directors; to provide that certain members of the board of directors need not be residents of the municipality that authorized the incorporation of such authority; to provide that no member of the board of directors of any such authority shall be an officer of the county wherein the certificate of incorporation of such authority is filed; to exempt bonds and other obligations issued by any such authority from any usury or other laws regulating or limiting interest rates; to make more specific the provisions of said article dealing with refunding bonds and to specify the maximum principal amount of bonds for refunding purposes that may be issued by any such authority; to make permissive rather than mandatory the provisions of such article relating to pledging lease agreements as security for any bonds of any

such authority; to provide that the trustee under any bond indenture of any such authority may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law; to provide that proceeds from bonds issued by any such authority may be used for the cost of feasibility studies and for funding a debt service reserve and that any such authority may capitalize, from bond proceeds, interest on the bonds during the period required for construction and equipment of the project or improvements involved and for not more than two years after completion of such construction and equipment; and to provide that any such authority may invest unneeded funds in securities that are direct obligations of federal agencies, in interest-bearing bank time deposits and interest-bearing certificates of deposit and in interest-bearing time deposits and interest-bearing certificates of deposit of any federally chartered savings and loan association.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 22-21-130 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

“§22-21-130. Definitions. For the purposes of this article, unless otherwise indicated, the following terms shall have the meanings respectively ascribed to them by this section:

(1) **AUTHORITY.** A corporation organized pursuant to the provisions of this article.

(2) **BOARD.** The board of directors of the authority.

(3) **BOND.** Any bond issued under the provisions of this article, including refunding bonds.

(4) **COUNTY.** That county in which the certificate of incorporation of the authority shall be filed for record.

(5) **COUPON.** Any interest coupon evidencing an installment of interest payable with respect to a bond.

(6) **FISCAL YEAR.** A fiscal year of the municipality.

(7) **GOVERNING BODY.** The council, board of commissioners or other like body in which the legislative functions of the municipality are vested by law.

(8) **INDENTURE.** A mortgage, an indenture of mortgage, deed of trust or trust indenture executed by the authority as security for any bonds.

(9) **LEASE AGREEMENT.** Any agreement of lease respecting the project or any part thereof which is made pursuant to the provisions of this article.

(10) **MUNICIPALITY.** The incorporated city or town in the state which authorized the organization of the authority.

(11) **PROJECT.** One or more buildings located, or to be located, within the municipality or within its police jurisdiction and designed for use and occupancy as a public hospital, public clinic or

public health center and related public health facilities, such as laboratories, out-patient departments, nurses' homes, nurses' training facilities, central service facilities operated in connection therewith and any equipment and lands necessary therefor.

(12) **SPECIALLY PLEDGED REVENUES.** Any revenues and tax proceeds specially pledged under a lease agreement pursuant to the authorization contained in section 22-21-140.

(13) **STATE.** The state of Alabama."

Further, any reference in this Article 5 of Chapter 21 of Title 22 of the Code of Alabama of 1975 to "this article" shall, unless the context clearly indicates otherwise, be deemed to refer not only to said Article 5 but also to Act No. 109 enacted at the 1961 Regular Session of the Legislature of Alabama, as amended, it being the intention hereof that public corporations heretofore organized under the provisions of said Act No. 109 shall hereafter be governed exclusively by Article 5 of Chapter 21 of Title 22 of the Code of Alabama of 1975 and shall have all powers and rights thereby conferred on public corporations organized thereunder."

**Section 2.** Section 22-21-131 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§22-21-131. Purpose and construction of article. It is the intention of the legislature by the passage of this article to empower each incorporated city and town in the state to authorize the incorporation of one or more public corporations as political subdivisions of the state for the purpose of providing public hospital facilities, to invest each corporation organized under this article with all powers that may be necessary to enable it to accomplish such purposes, including the power to lease or operate its properties and to issue interest-bearing revenue bonds, and to grant to the municipality power to rent such public hospital facilities on a year to year basis and to pledge tax revenues to secure the rent payable therefor. This article shall be liberally construed in conformity with the said intent."

**Section 3.** Section 22-21-133 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§ 22-21-133. Same - Certificate of Incorporation - Contents - Amendment of Certificate of Incorporation. (a) The certificate of incorporation of the authority shall state:

(1) The name and address of each of the incorporators, and a statement that each of them is a duly qualified elector of, and property owner in, the municipality;

(2) the name of the authority, which shall be "The Hospital

Building Authority of the (City or Town) of \_\_\_\_\_”,  
 “The Hospital Authority of the (City or Town) of \_\_\_\_\_” or some other name of similar import;

(3) The location of its principal office, which shall be in the municipality;

(4) The number of directors, (which shall be three or other uneven number not less than three; and

(5) Any other matter relating to the authority that the incorporators may choose to insert and which shall not be inconsistent with this article or with the laws of the state.

The certificate of incorporation shall be signed and acknowledged by each of the incorporators before an officer authorized by the laws of the state to take acknowledgments of deeds. The form and contents of the certificate of incorporation must be submitted to the governing body for its approval, which shall be evidenced by a resolution duly entered upon the minutes of the governing body.

(b) The certificate of incorporation of the authority may at any time and from time to time be amended so as to change the name of the authority or increase the number of members of the board and to make any other change or addition to the certificate of incorporation deemed desirable by the governing body of the municipality. Any such amendment shall be affected in the following manner: The governing body of the municipality (i) shall adopt a resolution proposing and setting forth the text of such amendment, (ii) shall cause such resolution to be published one time in a newspaper published in the municipality, (or, in the event there is no newspaper published in the municipality, then in a newspaper published in the county), and (iii) shall cause a copy of such resolution to be mailed or otherwise delivered to the authority. The authority shall be entitled to present to the governing body of the municipality, during the period of thirty days following the publication of such resolution the views of the authority as to the desirability of such proposed amendment. The governing body of the municipality may, at any time after the publication of such resolution, adopt a second resolution either (A) declaring that it does not consider it desirable to make the amendment proposed in the first such resolution and repealing such resolution, or (B) declaring that it does consider it desirable that such amendment be made, again setting forth the text of such amendment and authorizing its filing as hereinafter provided. The governing body of the municipality shall cause such second resolution to be published in the municipality (or, in the event there is no newspaper published in the municipality, then in a newspaper published in the

county).

(c) There may be included in the certificate of incorporation of the authority and in any amendment thereto, in addition to the matters specified in the preceding subsections (a) and (b) of this section, provisions requiring the consent of the municipality to the exercise by the authority of any of the powers that are granted or delegated herein to the authority and that would otherwise be exercisable solely by the authority (in which event the certificate of incorporation or amendment thereto shall specify with particularity those of said powers the consent of the municipality to the exercise of which by the authority is necessary) and provisions requiring that one or more of the members of the board (but in no event as many as a majority of the number of the members of the board) be elected by the governing body of the municipality from among three persons nominated for each such place thereon by the county commission or other body in which the legislature functions of the county are vested by law."

**Section 4.** Section 22-21-135 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§22-21-135. Board of Directors. The authority shall have a board of directors composed of the number of directors provided in the certificate of incorporation, as most recently amended. All powers of the authority shall be exercised by the board or pursuant to its authorization. The directors shall be residents of the municipality (except that any director required to be elected from among persons nominated by the county commission need not be a resident of the municipality but must be a resident of the county) and shall be elected by the governing body for staggered terms of office. In order to accomplish this purpose, the governing body shall, at the time of the election of the first board, divide the board into three groups containing as near equal whole numbers as possible.

(1) The first term of board members included in the first group shall be two years;

(2) the first term of the board members included in the second group shall be four years;

(3) The first term of the board members included in the third group shall be six years; and

(4) Upon the expiration of the initial term of each director, each subsequent term shall be six years.

In the event of any increase in the number of members of the board, the new members shall be elected by the governing body for



terms as follows: (a) if the number of board members added is three or more, they shall be divided into three groups containing as near equal whole numbers as possible; and the first term of the new board members included in the first group shall be two years, the first term of the new board members included in the second group shall be four years, the first term of the new board members included in the third group shall be six years, and thereafter the term of each such board member shall be six years; (b) if the number of board members added is two, the first term of one of such new board members shall be two years, the first term of the other shall be four years, and thereafter the term of each such board member shall be six years; and (c) if only one board member is added, his first term shall be two years, and thereafter the term of such board member shall be six years.

If any director resigns, dies, becomes incapable of acting as a director or ceases to reside in the municipality, the governing body shall elect a successor to serve for the unexpired portion of this term of office. If at the expiration of the term of office of any board member a successor thereto shall not have been elected, then the board member whose term of office shall have expired shall continue to hold office until his successor shall be so elected.

The governing body of any city having a population of not less than 32,000 and not more than 33,500, according to the last or any succeeding federal decennial census, may, in its discretion, by a resolution, duly adopted and recorded in its minutes, divest itself of the authority to appoint the members of the board and vest the appointing authority in the board of directors, which said divestiture once made shall continue regardless of subsequent change in the population of such city. One certified copy of such resolution shall be filed in the office of the secretary of state, one with the state board of health and one recorded in the office of the judge of probate. In the event such resolution is so adopted and recorded, the board of directors shall become a self-perpetuating board and shall thereafter fill all vacancies occurring in its membership in the same manner as the city governing body fills vacancies.

Directors shall be eligible to succeed themselves in office whether the board is self-perpetuating or not. No director shall be an officer of the state or of the municipality or of the county. A majority of the members of the board shall constitute a quorum for the transaction of business. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. The members of the board and the officers of the authority shall serve without compensation; except, that they may be reimbursed for actual expenses incurred in and

about the performance of their duties. All resolutions adopted by the board shall constitute actions of the authority, and all proceedings of the board shall be reduced to writing and signed by the secretary of the authority, and shall be recorded in a well-bound book. Copies of such proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified."

**Section 5.** Section 22-21-141 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§22-21-141. Bonds - Revenue. The authority is empowered, at any time and from time to time, to sell and issue its revenue bonds for the purpose of providing funds to acquire, construct, improve, enlarge, complete and equip one or more projects and for payment of obligations incurred for any such purpose. The principal of, and interest on, any such bonds shall be payable solely out of the revenues derived by the authority from any one or more of its projects, all as shall be provided by the resolution of the board or the indenture whereunder such bonds are authorized to be issued. Any bonds of the authority may be delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest (without regard to any usury or other laws regulating or limiting interest rates, including without limitation, the provisions of Section 8-8-1 of the Code of Alabama of 1975, as amended, all of which shall be inapplicable to any bonds or other obligations of the Authority), payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this article, all as may be provided by the resolution of the board or the indenture whereunder such bonds are authorized to be issued; provided, that no bond of the authority shall have a specified maturity date later than thirty-five years after its date. Each bond of the authority having a specified maturity date more than ten years after its date shall be made subject to redemption at the option of the authority at the end of the tenth year after its date, and on any interest payment day thereafter, under such terms and conditions as may be provided in the resolution or indenture under which such bond is authorized to be issued. Bonds of the authority may be sold at either public or private sale in such manner and at such time or times as may be determined by the board to be most advantageous to the authority. Bonds issued by the authority shall not be general obligations of the authority, but shall be payable solely out of the revenues derived from the project or projects specified in the resolution of the board or the indenture under which such bonds are authorized to be

issued.”

**Section 6.** Section 22-21-142 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

“§22-21-142. Same - refunding. The authority may at any time and from time to time sell and issue its refunding revenue bonds for the purpose of refunding the principal of, and interest on, any matured or unmatured bonds of the authority at the time outstanding and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid to redeem or retire the bonds so to be refunded; provided however, that the principal amount of bonds the authority may issue for refunding purposes may not exceed the sum of the following: the principal amount of the bonds refunded thereby, the interest to mature thereon from the immediately preceding interest payment date to their respective maturities (or, in the event the bonds to be refunded, or any part thereof, are to be retired prior to their respective maturities, the interest to mature thereon from the immediately preceding interest payment date until the date or dates on which they are to be retired), any premium necessary to be paid to redeem or retire the bonds to be refunded (but only if such bonds are in fact to be redeemed or retired prior to their respective maturities) plus the amount of any expenses estimated to be incurred in connection with such refunding. The authority may also at any time and from time to time sell and issue its revenue bonds for the combined purpose of so refunding any of its bonds and of obtaining funds for any other purpose for which it is authorized by this article to sell and issue revenue bonds, in which event the provisions of this article relating to refunding bonds shall apply only to those of such bonds issued for refunding purposes. Any such refunding may be effected either by sale of refunding bonds, and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds, or interest coupons to be refunded thereby; provided, that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by the authority under their respective provisions. Any refunding bonds of the authority shall be payable solely from the revenues derived by the authority from any one or more of its projects, all as shall be specified in the resolution of the board or the indenture under which such bonds are authorized to be issued. All provisions of this article pertaining to bonds of the authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the authority and to bonds issued by the authority for both refunding and other purposes.

**Section 7.** Section 22-21-144 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

“§22-21-144. Same - security. The principal of, and the interest on, the bonds shall be secured by a pledge of the revenues out of which the bonds shall be made payable, may be secured by a pledge of the lease agreement (if any) covering the project from which revenues so pledged shall be derived and by a pledge of the rental from such project and may be secured by a non-foreclosable indenture covering the project or projects out of the revenues from which the bonds are made payable. The trustee, under any indenture, may be a trust company or bank having trust powers, whether located within or without the state, and may be selected by the board without regard to the provisions of Chapter 25 of Title 36 of the Code of Alabama of 1975 or other similar law. The indenture may contain any agreements and provisions customarily contained in instruments securing evidences of indebtedness including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of the revenues and rental from any project or projects covered by such indenture, the terms to be incorporated in any lease agreement respecting any project, the maintenance and insurance on any project, the creation and maintenance of special funds from the revenues and rental of any project and the rights and remedies available in the event of default to the holders of the bonds or the trustee under the indenture, all as the board shall deem advisable and as shall not be in conflict with the provisions of this article; provided, that in making any such agreements or provisions, the authority shall not have the power to obligate itself except with respect to the project or projects out of the revenues from which the bonds are made payable and the application of the revenues therefrom. The indenture may contain provisions regarding the rights of any trustee thereunder and the holders of the bonds and coupons and may contain provisions restricting the individual rights of action of the holders of the bonds and coupons.”

**Section 8.** Section 22-21-145 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

“§22-21-145. Same - Recital and notice of issuance; limitation on actions to contest. Any resolution authorizing any bonds under this article shall contain a recital that they are issued pursuant to the provisions of this article, which recital shall be conclusive evidence that said bonds have been duly authorized pursuant to the provisions of this article, notwithstanding the provisions of any other law now in force or hereafter enacted or amended. Upon the adoption by the board of any resolution providing for the issuance of bonds, the authority may, in its discretion, cause to be published

once a week, for two consecutive weeks, in a newspaper then published in the municipality or, if there is no newspaper then published in the municipality or, if there is no newspaper published or circulated in the county a notice in substantially the following form, with any appropriate changes, to the extent applicable and with the blanks being properly filled in:

“ \_\_\_\_\_, a public corporation and a political subdivision of the State of Alabama, has authorized the issuance of \$ \_\_\_\_\_ principal amount of bonds of the said authority to be dated \_\_\_\_\_ for purposes authorized in Article 5 of Chapter 21 of the Code of Alabama of 1975 and has entered into a lease with the (City or Town) \_\_\_\_\_ of \_\_\_\_\_ respecting the project described therein and pledged said lease and the rentals payable thereunder as security for said bonds. Any action or proceeding questioning the validity of the said bonds, or the pledge and the indenture to secure the same or the said lease, must be commenced within twenty days after the first publication of this notice.

By

Its President”

Any action or proceedings in any court to set aside or question the validity of the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of any lease agreement pledged therefor, or the validity of any pledge made therefor or the validity of the indenture must be commenced within twenty days after the first publication of such notice. After the expiration of the said period, no right of action or defense questioning or attacking the validity of the said proceedings, or of the said bonds, or any such lease agreement, or any pledge herein authorized or the indenture shall be asserted, nor shall the validity of the said proceedings, bonds, lease agreement (if any), pledge or indenture be open to question in any court on any ground whatsoever except in an action commenced within said period.”

**Section 9.** Section 22-21-149 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

“§22-21-149. Same - Use of proceeds. The proceeds derived from the sale of any bonds sold by the authority, other than refunding bonds, shall be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping one or more projects, as may be provided in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following:

(1) The cost of any land forming a part of such project or projects;

(2) The cost of the labor, materials and supplies used in any such construction, improvement or enlargement, including architect's and engineer's fees and the cost of preparing contract documents and advertising for bids;

(3) The purchase price of, and the cost of, installing equipment for such project or projects;

(4) The cost of landscaping the lands forming a part of such project or projects and of constructing and installing roads, sidewalks, curbs, gutters, utilities and parking places in connection therewith;

(5) Legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds issued in connection with such project or projects; the cost of any feasibility studies deemed necessary or advisable in connection with the issuance and sale of such bonds; the amount of any debt service reserve that the board deems necessary or advisable to be funded out of the proceeds from the sale of such bonds; and

(6) Interest on the bonds for a reasonable period prior to the commencement of the construction and equipment of such project or projects, or of any improvements or additions being financed (in whole or in part) out of the proceeds from the sale of such bonds, and during the period that is estimated will be required for such construction and equipment and for a period of not more than two years after the completion of such construction and equipment.

If any proceeds derived from the sale of the bonds remain undisbursed after completion of the work and payment of all costs and expenses in connection with the project or projects with respect to which the bonds are issued, such balance shall be applied toward the retirement of the bonds. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued."

**Section 10.** Section 22-21-152 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§22-21-152. Investment of funds. Any portion of the principal proceeds derived from the sale of the bonds which the board may determine is not presently needed for any of the purposes for which the bonds are authorized to be issued, and any other moneys of the Authority which the board may determine will not be presently needed by the authority may, on order of the board, be invested in (a) any securities that are direct general obligations of the United States of America or the principal of and interest on

which are unconditionally and irrevocably guaranteed by the United States of America, (b) any debt securities that are direct obligations of any agency of the United States of America, (c) interest-bearing bank time deposits and interest-bearing bank certificates of deposit, and (d) interest-bearing time deposits and interest-bearing certificates of deposit of any federally-chartered savings and loan association. Any securities, time deposits or certificates of deposit in which any such investment is made may, at any time and from time to time on order of the board, be sold or otherwise converted into cash. The income derived from any such investments shall be disbursed on order of the board for any purpose for which the authority may lawfully expend funds."

**Section 11.** This act shall become effective upon its passage and approval by the Governor or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 410

H. 160—Drake

### AN ACT

To authorize and direct the Cullman County Commission, subject to approval by the electors of the county voting at a referendum herein required, to levy and provide for the collection of an additional tax on motor fuels, and to provide for distribution and use of the proceeds from the tax.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Cullman County Commission is hereby authorized and directed to levy and provide for the collection, in addition to all other privilege taxes now levied in Cullman County, of a privilege tax on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of gasoline, diesel oil, naphtha, and other liquid motor fuels or any device or substitute therefor, commonly used in internal combustion engines. Such tax shall be in the amount of one cent per gallon, provided, however, nothing contained herein shall be held to apply to the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county of those products known commercially as "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating or industrial purposes, nor the privilege of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of tractor fuel, gas oil, distillate or liquefied gas,

kerosene and jet fuel even though these last mentioned oils and fuels may be used in internal combustion engines.

**Section 2.** The county commission shall provide for the tax levied pursuant to this Act to be collected in the same manner and at the same time and subject to the same rules and regulations that other county privilege taxes on the business of selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in Cullman County of gasoline, naptha or other liquid motor fuels are collected.

**Section 3.** The net proceeds of the tax levied pursuant to this act shall be disbursed by the official charged with the duty of collecting the tax, on or before the 10th day of each month, as follows: Ten percent (10%) of said proceeds shall be paid over to the municipalities in the county, each municipality receiving a pro rata share based on the relationship its population bears to the combined populations of all such municipalities. The remainder of the net proceeds shall be paid over to the state highway department, to be maintained in a separate account and used by such department solely for the purpose of paving, repairing, maintaining or resurfacing county roads in Cullman County.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** The substantive provisions of this Act shall become operative only if approved by a majority of the electors of Cullman County voting in a referendum election, which shall be held on the date of the first state-wide election held after adjournment of the 1978 Regular Session of the Legislature for the purpose of voting on proposed amendments to the Constitution. The governing body of Cullman County shall order and provide for the holding of the referendum on such date, and for canvassing the results thereof. On the ballot to be used at the election, the question shall be stated substantially as follows:

“Do you favor the local law providing for the levy and collection of an additional one cent per gallon tax on motor fuels in Cullman County? Yes ( ) No ( )”

If a majority of the voters cast at the election are “yes,” then the provisions of Sections 1 through 5 of this Act shall become effective immediately. If a majority of the votes case are “No,” then this Act shall have no further force and effect.



This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 411

H. 585—McMillan

## AN ACT

To alter or rearrange the boundary lines of the City of Satsuma, Mobile County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the boundary lines of the City of Satsuma, Mobile County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Satsuma and in addition thereto the following described territory, to-wit:

That certain real property situated in Mobile County being more particularly described as follows, to-wit:

Beginning at the Southwest corner of Section 22, Township 2 South, Range 1 West; thence run North along the West line of Section 22 to the Northwest corner of said section; thence run East along the North line of Section 22 to the Easterly right of way line of Interstate I-65; thence run Northeastwardly along the right of way of I-65 to the intersection with the North line of the Southeast  $\frac{1}{4}$  of Section 14, Township 2 South, Range 1 West; thence run East along said line to a point 330 feet West of the East line of Section 14; thence run North and parallel to the East line of Section 14 a distance of 660 feet to a point; thence run East a distance of 330 feet to a point on the East line of Section 14; thence run North along the East line of Section 14 to the intersection with the centerline of Gunnison Creek; thence run Southeastwardly along the centerline of Gunnison Creek and the meanders thereto to a point at the intersection of the projection of the Easterly line of Lot 29 of River of Pines Subdivision as recorded in Map Book 22, page 61 in the Office of the Judge of Probate, Mobile County, Alabama; thence run S  $25^{\circ} 11' 10''$  E along the projection of and the Easterly line of Lot 29 to the Northerly right of way line of Norton Drive a distance of 126.87 feet to a point on the East line of River of Pines Subdivision; thence run S  $35^{\circ} 49' 10''$  E a distance of 210 feet to a point on the South line of River of Pines Subdivision; thence run Westwardly along the South and Easterly line of River of Pines Subdivision and along a line running 180 feet South of and parallel to the centerline of Norton

Drive to a point 150 feet East of the East line of Section 14; thence run South along a line 150 feet East of and parallel to the East line of Section 14 to a point on the North line of Vaughan's Palisades as recorded in Map Book 23, page 35 in the Office of the Judge of Probate, Mobile County, Alabama; thence run East along the North line of Vaughan's Palisades and its projection to the centerline of Gunnison Creek; thence run Southward along the centerline of Gunnison Creek and the meanders thereof to a point at the intersection of the South line of Section 13, Township 2 South, Range 1 West; thence run West along the South line of Section 13 to the Southeast corner of Section 14; thence run North along the East line of Section 14 to a point at the Southeast corner of North Oaks Subdivision, First Addition, as recorded in Map Book 17, page 12, in the Office of the Judge of Probate, Mobile County, Alabama; thence run West along the South line of North Oaks Subdivision, First Addition, and the South line of North Oaks Subdivision a distance of 1192.19 feet to a point; thence run N 0° 10' W a distance of 195.48 feet to a point on the South right of way line of Thomas Road; thence run West along the South line of Thomas Road and its projection to a point on the Westerly right of way line of U. S. Highway 43; thence run Southwardly along the Westerly right of way line of U. S. Highway 43 to a point on the South line of Section 14; thence run West along the South line of Section 14 and the South line of Section 15, said line being along the existing city limits line of the City of Satsuma, to a point 330 feet West of the Northeast corner of Section 22; thence run South to a point on the centerline of Dogwood Drive; thence run East along the centerline of Dogwood Drive to a point on the Westerly right of way of U. S. Highway 43; thence run Southwardly along the Westerly right of way of U. S. Highway 43 to a point on the East-West half-section line of Section 23, said line being the centerline of Woodland Avenue or its extension thereof; thence run West along said line and the East-West half-section line of Section 22 to a point on the North-South half-section line of Section 22, said line being the centerline of Orange Street or its extension thereof; thence run South along said line to a point on the South line of Section 22, said line being the existing city limits of the City of Satsuma; thence run West along the South line of Section 22 to the point of beginning.

**Section 2.** The substantive provisions of this act shall become operative only if the act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the City of Satsuma, voting in a referendum election to be held on a day designated by the probate judge of Mobile County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the probate judge of

Mobile County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Chapter 42 of Title 11 of the Code of Alabama, 1975, for giving notice of and conducting elections on the question of annexing territory insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the probate judge, nor need a plat or map of the territory to be annexed be filed with the probate judge. The question shall be on the adoption of Act No. \_\_\_\_\_, H. \_\_\_\_\_ of the 1978 Regular Session of the Legislature, which alters, rearranges and extends the corporate limits of the City of Satsuma in Mobile County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said act there shall be written or printed on such ballot the word "Yes." If he desires to vote against the adoption of such act the word "No" shall be written or printed on his ballot. The City of Satsuma shall pay all costs and expenses incident to the election.

If a majority of the votes cast in the election are "Yes" the provisions of this act shall become operative immediately. If the majority are "No" this act shall have no further effect.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 412

H. 663—Morris

### AN ACT

To alter and rearrange the boundaries of the city of Alexander City in Tallapoosa County, so as to exclude certain territory from the corporate limits of the city.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundaries and corporate limits of the city of Alexander City in Tallapoosa County are hereby altered and rearranged so that the following described territory shall be excluded from the area embraced within the corporate limits of the city, and shall no longer form a part of the city, to-wit:

Commencing at the NE corner of Section 4, Township 22 N, Range 21 E, thence S along the East line of Section 4 to a point which is 248' N of the SE corner of the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of said Section

4. Thence West 1320' parallel with the S side of and to a corner on the W side of said NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of Section 4, thence S 450' to a corner thence W and parallel to the N line of said Section 4 to the NE right of way of U. S. Hwy. 280 By-pass thence NW on said right of way to the S right of way of old 4th Road, thence E on said right of way to W right of way of Elkahatchee Road, thence SW on said right of way to N line of said Section 4 thence E on line to the NE corner of said Section 4 and to the point of beginning. Containing approximately 106 acres.

**Section 2.** All laws or parts of laws which conflict with this act are repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 413

H. 630—Carothers

### AN ACT

Relating to Houston County; to prescribe the composition of the hospital board of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Commencing May 1, 1978, the hospital board of Houston County, Alabama, shall be composed of twelve (12) members. The nine (9) members currently serving on said board shall continue in such service until the expiration of their current terms and in addition thereto three (3) new members shall be appointed by the county governing body on or before May 1, 1978, for initial terms as follows:

One (1) new member for a term expiring August 3, 1979

One (1) new member for a term expiring August 3, 1981

One (1) new member for a term expiring August 3, 1983.

Thereafter, such members shall serve for terms of six (6) years each.

**Section 2.** All previous actions taken by the hospital board of Houston County in approving and authorizing the sale of bonds for

financing hospitals in said county are hereby ratified and confirmed.

**Section 3.** The provisions of this Act are supplemental. It shall be construed in *pari materia* with all other laws governing the hospital board in said county. However, all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

**Section 4.** This Act shall become effective on May 1, 1978.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 414

H. 744—Lockett, Edwards, Pegues  
AN ACT

Relating to Dallas County; to provide a District Attorney's Fund for Dallas County; and to provide an expense supplement for the District Attorney, Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney and the part-time Assistant District Attorney for Dallas County from the District Attorney's Fund.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created a fund to be designated the "District Attorney's Fund" of Dallas County, which fund shall be at the disposal of the District Attorney of the Fourth Judicial Circuit of Alabama, and shall be drawn upon by him in a manner hereinafter provided and expended by him for the payment of any and all expenses to be incurred by him for law enforcement and in the discharge of the duties of his office.

**Section 2.** Provided, in addition to the expense and allowances payable to the District Attorney of the Fourth Judicial Circuit of Alabama by the State, he shall be entitled to an expense supplement of \$1,500.00 per annum, which shall be payable from the District Attorney's Fund herein created, payable in equal monthly installments, upon requisitions signed by the District Attorney. Provided further, in addition to the expense and allowances payable to the Deputy District Attorney or the Assistant District Attorney serving as Deputy District Attorney, he shall be entitled to an expense supplement of up to \$1,500.00 per annum, in the discretion of the District Attorney of the Fourth Judicial Circuit of Alabama, which shall be paid in equal installments from the District Attorney's Fund herein created, upon requisitions signed by the District Attorney. Provided further, the part-time Assistant District Attorney for Dallas County shall be entitled to an

expense supplement of \$1,500.00 per annum which shall be paid in equal installments from the District Attorney's Fund herein created upon requisitions signed by the District Attorney. The payment of the supplement to the part-time Assistant District Attorney is absolute and the District Attorney shall have no discretion not to issue payment. The payment of the supplement to the part-time Assistant District Attorney shall be made before any other supplements are made pursuant to this act.

**Section 3.** All Solicitor's or District Attorney's fees hereafter taxed as Court Costs and collected in all criminal cases in the Circuit Court of Dallas County and in the District Court of Dallas County shall be paid into the County Treasury of Dallas County and deposited in the District Attorney's Fund herein created, which fund shall be kept as a separate fund in the County Treasury. The Treasurer of Dallas County shall pay out of said funds to the Order of the District Attorney, and shall have no discretion not to issue payment on such requisitions out of said fund excepting if there should be an insufficient balance in said account to cover said expense.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or part of laws which conflict with this act are hereby repealed.

**Section 6.** This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978

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Act No. 415

H. 745—Lockett, Edwards, Pegues

### AN ACT

Relating to Dallas County; further regulating the handling and expenditures of certain court fees accruing to Dallas County; establishing the Dallas County Law Library Fund and authorizing the expenditures of such funds; creating the Dallas County Law Library Board and providing for its appointment, powers and duties; providing for taxation of \$3.00 court costs as a law library fee in all criminal, quasi-criminal, or civil cases or other proceedings in the circuit court, district court, and small claims court of Dallas County; and repealing certain laws of Dallas County relating to the county and circuit courts.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created a fund to be designated the "Dallas County Law Library Fund", which fund shall be expended as hereinafter provided for the sole purpose of establishing, maintaining, equipping, administering, and operating the law library at the Courthouse of Dallas County.

In each criminal or quasi-criminal or civil case or any other proceeding filed in, arising in, or brought by appeal, on certiorari or otherwise in the Circuit Court, District Court, or Small Claims Court of Dallas County, there shall be taxed as part of the costs the sum of three (\$3.00) dollars to be designated as a law library fee.

Such fees when collected by the Clerks or other collecting officers of such Courts shall be paid to the Treasurer or depository of Dallas County for the deposit in the county treasury in a separate account to be designated the "Dallas County Law Library Fund".

**Section 2.** There is hereby created a Board to administer the Dallas County Law Library Fund which shall be known as the Dallas County Law Library Board. This Board shall consist of three members of the Dallas County Bar whose terms as said members of said Board shall be for three years, and who will serve without compensation. Provided, however, the first three members of said Board shall be appointed as follows for the specified terms: the Probate Judge of Dallas County shall appoint one member of said Board who shall serve a term of one year; the President of the Dallas County Bar Association shall appoint one member of said Board who shall serve a term of two years; and the Presiding Judge of the Fourth Judicial Circuit shall appoint one member of said Board who shall serve a term of three years. Thereafter, when a member of the Board's term expires or there is a vacancy created on said Board, the appointing authority whose prior appointment has expired or become vacant shall make an appointment to fill such a vacancy. Members of the Board must be members in good standing of the Alabama Bar Association. A member of the Board may serve more than one term. Each year the members of the Board shall elect a Chairman, a Vice-Chairman, and a Secretary, all of whom shall serve for one year as such officers but who may be elected to serve more than one term.

Any two members of the Dallas County Law Library Board shall constitute a quorum for the transaction of business. The Secretary shall keep minutes of all meetings of the Board, which shall be held upon call of the Chairman or any two members. The Board may adopt by-laws, and all action of the Board shall require the approval of at least two members of the Board. The Board may act informally, without a meeting, with the approval of all

members.

Any two members of the Dallas County Law Library Board may draw warrants on the said Dallas County Law Library Fund in making expenditures for purposes contemplated in this Act, and shall indicate on the warrants the funds against which the warrants are drawn.

**Section 3.** Sole and complete management of the Dallas County Law Library is vested in the Dallas County Law Library Board or its designee. All books or other property purchased with the funds shall be the property of Dallas County, but shall be managed and controlled by the Dallas County Law Library Board.

The Dallas County Law Library Fund shall be administered and disbursed by the Dallas County Law Library Board only for the purpose of establishing, equipping, maintaining, and operating the Dallas County Law Library, and none of said funds shall be used or expended for any other purpose whatsoever.

**Section 4.** The funds heretofore deposited in the Dallas County treasury to the credit of the Contingent Fund for the Circuit Court of Dallas County shall be paid into the "Dallas County Law Library Fund" established by this act.

**Section 5.** All laws or parts of laws in conflict with this act are hereby repealed and Acts No. 478, H. 473, 1965 Regular Session (Acts of 1965, p. 692); 409, H. 471, 1965 Regular Session (Acts of 1965, p. 589); 480, H. 474, 1965 Regular Session (Acts of 1965, p. 693); and 308, S. 313, 1953 Regular Session (Acts of 1953, p. 366) are expressly repealed.

**Section 6.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 416

H. 768—Turnham, Ward, Whatley

## AN ACT

To authorize the governing body of Lee County, Alabama, to levy and collect special county privilege and license taxes, generally paralleling the state sales taxes provided for in Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama



1975, as amended, and special county excise taxes generally paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended; to provide for the ascertainment, collection, payment, distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to prescribe penalties and fix punishment for violations of this act; and to authorize the governing body of Lee County, Alabama, in its discretion, to call and hold an advisory election on the question of the levy of such taxes, which such election shall not be in any way binding on the said governing body.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Definitions.** The following words, terms and phrases where used in this Act shall have the following respective meanings except where the context clearly indicates a different meaning:

**“County”** means Lee County in the State of Alabama.

**“Commissioner”** means the Commissioner of Revenue of the State.

**“State Department of Revenue”** means the Department of Revenue of the State.

**“State”** means the State of Alabama.

**“State Sales Tax Statutes”** means Division 1 of Article 1 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the State which expressly set forth any exemptions from the computation of the taxes levied in said Division 1 and all other statutes which expressly apply to, or purport to affect, the administration of said Division 1 and the incidence and collection of the taxes imposed therein.

**“State Sales Tax”** means the tax or taxes imposed by the State Sales Tax Statutes.

**“State Use Tax Statutes”** means Article 2 of Chapter 23 of Title 40 of the Code of Alabama of 1975, as amended, including all other statutes of the State which expressly set forth any exemptions from the computation of the tax levied in the said Article 2 and all other statutes of the State which expressly apply to or purport to affect the administration of the said Article 2 and the incidence and collection of the taxes imposed therein.

**“State Use Tax”** means the tax or taxes imposed by the State Use Tax Statutes.

**“Registered Seller”** means the person registered with the State Department of Revenue pursuant to the State Use Tax Statutes or licensed under the State Sales Tax Statutes.

**“Month”** means a calendar month.

**“Quarterly Period”** means the period of three months ending on the last day of each March, June, September and December.

**“Fiscal Year”** means the period commencing on October 1 of each calendar year and ending on September 30 of the next succeeding calendar year.

Except where another meaning is clearly indicated by the context, all definitions set forth in the State Sales Tax Statutes and the State Use Tax Statutes shall be effective as definitions of the words, terms and phrases used in this Act. All words, terms and phrases used herein, other than those hereinabove specifically defined, shall have the respective meanings ascribed to them in the State Sales Tax Statutes and the State Use Tax Statutes and shall have the same scope and effect that the same words, terms and phrases have where used in the State Sales Tax Statutes and the State Use Tax Statutes.

**Section 2. Authorization of Levy of Sales Tax.** The governing body of the County is hereby authorized to levy and impose in the County, in addition to all other taxes of every kind now imposed by law, and to collect as herein provided, a privilege or license tax on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, as follows:

(a) upon every person, firm or corporation (including the State of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions) engaged or continuing within the County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidences of debts or stock, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, ships and other watercraft of over 50 tons burden) an amount not exceeding one per cent of the gross proceeds of sales of the business, except where a different amount is expressly provided herein; provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business; ;and provided further, that where

any used part of an automotive vehicle or a truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or rebuilt part, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used part sold less the credit for the used part taken in trade, provided, however, that this provision shall not be construed to include tires or batteries;

(b) upon every person, firm or corporation engaged or continuing within the County in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a municipal institution or association or a state, county or city school, or other institution, association, or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description within the County, an amount not exceeding one per cent of the gross receipts of any such business;

(c) upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount not exceeding three-eighths of one per cent of the gross proceeds of the sale of such machines; provided that the term "machine" as herein used shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used;

(d) upon every person, firm or corporation engaged or continuing within the County in the business of selling at retail any automotive vehicle, truck, trailer, semi-trailer or house trailer, an amount not exceeding three-eighths of one per cent of the gross proceeds of sale of said automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock

in trade any automotive vehicle or truck, trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax authorized to be levied herein, a fee of one dollar and twenty-five cents (\$1.25) per year or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; provided, that each such year or part thereof shall be deemed to begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck, trailer, semi-trailer or house trailer shall remain the property of such person; and, provided further, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(e) upon every person, firm or corporation engaged or continuing within the County in the business of selling, through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, an amount not exceeding three-eighths of one percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection (e) shall be the gross proceeds of sales of such business.

There are exempted, however, from the provisions of this section and from the computation of the amount of the taxes authorized to be imposed in this section, the gross receipts of any business and the gross proceeds of all sales which are presently exempted under the State Sales Tax Statutes from the computation of the amount of the State Sales Tax.

**Section 3. Authorization of Levy of Use Tax.** The governing body of the County is hereby authorized to levy and impose excise taxes on the storage, use or other consumption of property in the County as hereinafter provided in this section:

(a) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of tangible personal property (not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden) purchased at retail on or after the effective date of such tax, for the storage, use or other consumption

in the County on or after the effective date of such tax, at the rate of not exceeding one percent of the sale price of such property, except as provided in subsection (b), (c) and (d) of this section;

(b) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property purchased at retail on or after the effective date of such tax for storage, use or other consumption in the County, at the rate of not exceeding three-eighths of one percent of the sales price of any such machine; provided, that the term "machine," as used herein shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and are customarily so used;

(c) an excise tax is hereby authorized to be levied and imposed on the storage, use or other consumption in the County of any automotive vehicle, truck, trailer, semi-trailer or house trailer purchased at retail on or after the effective date of such tax for storage, use or other consumption in the County at the rate of not exceeding three-eighths of one percent of the sales price of such automotive vehicle, truck, trailer, semi-trailer or house trailer; provided, that where any used automotive vehicle, truck, trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax herein authorized to be levied shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade; and

(d) an excise tax is hereby authorized to be levied and imposed on the classes of tangible personal property, and at not exceeding the rate authorized to be imposed on such classes, specified in subsections (a), (b) or (c) of this section, on the storage, use or other consumption in the performance of a contract in the County of any such tangible personal property, new or used, the tax to be measured by the sales price or the fair and reasonable market value of such tangible personal property when put into use in the County, whichever is less; provided, however, the tax authorized to be imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) and (c) of this section apply.

There are exempted from the provisions of this section, and from the taxes authorized to be imposed by this section, the storage, use or other consumption of property the storage, use or other consumption of which is presently exempted under the State Use

Tax Statutes from the State Use Tax. Subject to those exemptions, every person storing or using or otherwise consuming in the County tangible personal property purchased at retail on or after the effective date of such taxes shall be liable for the taxes authorized to be imposed by this section, and the liability shall not be extinguished until the tax has been paid by such person; provided however, that a receipt from a Registered Seller given pursuant to Section 6 of this Act to the purchaser of any property to be used, stored or consumed in the County shall be sufficient to relieve the purchaser from further liability for a tax to which such receipt may refer.

**Section 4. Payment of Taxes Herein Levied; Reports by Taxpayers.** The sales taxes authorized to be levied in Section 2 hereof shall be due and payable in monthly installments on or before the twentieth day of the Month next succeeding the Month in which the tax accrues; and the use taxes authorized to be levied in Section 3 hereof shall be due and payable quarterly on or before the twentieth day of the Month next succeeding each Quarterly Period during which the storage, use or other consumption of the tangible personal property became taxable hereunder, each such Quarterly Period to end on the last day of each of the Months of March, June, September and December. The sales taxes authorized to be levied in Section 2 of this Act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the State Sales Tax; and the use taxes authorized to be levied in Section 3 of this Act shall be paid to and collected by the State Department of Revenue at the same time as and along with the payment and collection of the State Use Tax. On or prior to the due dates of the taxes herein authorized to be levied, each person subject to such taxes shall file with the State Department of Revenue a report or return in such form as may be prescribed by the said Department, setting forth, with respect to all sales and business that are required to be used as a measure of the sales taxes herein authorized to be levied, a correct statement of the gross proceeds of all such taxes and the gross receipts of all such business, and setting forth, with respect to the use taxes authorized to be levied herein, the total sales price of all property, the use, storage or other consumption of which became subject to the said taxes during the then preceding Quarterly Period. Such report shall include all such other items of information pertinent to the said taxes and the amount thereof as the State Department of Revenue may require. Any person subject to the sales taxes authorized to be levied herein may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the Month preceding and shall pay the

taxes due thereon at the time of filing such report. All reports or returns filed with the State Department of Revenue under this section shall be available for inspection by the governing body of the County or its designated agent at reasonable times during business hours.

**Section 5. Sales Tax to be Added to Sales Price or Admission Fee.** Each person engaging or continuing within the County in a business subject to the sales taxes authorized to be levied in Section 2 hereof shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes. It shall be unlawful for any person subject to the sales taxes authorized to be levied in the said Section 2 to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or the person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said taxes to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said taxes or any portion thereof.

**Section 6. Special Provisions Respecting Payment of Use Tax; Receipts and Returns by Registered Sellers.** Every Registered Seller making sales of tangible personal property for storage, use or other consumption in the County (which storage, use or other consumption is not exempted from the use taxes herein authorized to be levied) shall at the time of making such sale, or if the storage, use or other consumption of such tangible personal property in the County is not then subject to the taxes herein authorized to be levied, at the time such storage, use or other consumption becomes subject to the taxes herein authorized to be levied, collect the tax from the purchaser, and shall give to the purchaser a receipt therefor in the manner and form prescribed by the State Department of Revenue. On the twentieth day of the Month next succeeding following the close of each Quarterly Period, each Registered Seller shall file with the State Department of Revenue a return for the then preceding Quarterly Period in such form as may be prescribed by the State Department of Revenue showing the total sales price of the tangible personal property sold by such Registered Seller, the storage, use or other consumption of which became subject to the use taxes herein authorized to be imposed, during the then preceding Quarterly Period; and each return shall be accompanied by a remittance of the amount of the use taxes required to be collected by such Registered Seller during the period covered by the return; provided that any Registered Seller may defer collecting the taxes with respect to credit sales

until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales, shall include in each quarterly report all credit collections made during the preceding Quarterly Period and shall remit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a Registered Seller the tax with respect to the use, storage or other consumption of tangible personal property in the County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property the storage, use or other consumption of which is subject to the use taxes authorized to be imposed herein, and who has not paid the said use taxes due with respect thereto to a Registered Seller, shall report and pay said use taxes as required by Section 4 hereof. It shall be unlawful for any Registered Seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the use taxes authorized to be imposed herein or to refund or offer to refund or absorb, or to advertise directly or indirectly, the absorption of said use taxes or any portion thereof.

**Section 7. Enforcement of This Act; Civil Suit; Taxes a Lien.** The taxes authorized to be imposed by this Act shall constitute a debt due the County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All the provisions of the revenue laws of the State which apply to the enforcement of liens for license taxes due the State shall apply fully to the collection of the taxes herein authorized to be levied, and the State Department of Revenue, for the use and benefit of the County, shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that the State Department of Revenue has for collection of the State Sales Tax and the State Use Tax. The State Department of Revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be levied by this Act and otherwise to enforce the provisions of this Act, including the institution, prosecution and defense of any litigation involving this Act; and the said Department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it hereunder.

**Section 8. Applicability of State Sales and Use Tax Statutes.** All provisions of the State Sales Tax Statutes with



respect to payment, assessment and collection of the State Sales Tax, making of monthly reports and keeping and preserving records with respect thereto, interest after the due date of said tax, penalties for failure to pay the said tax, make reports or otherwise comply with the State Sales Tax Statutes, the promulgation of rules and regulations with respect to the State Sales Tax, and the administration and enforcement of the State Sales Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the sales taxes authorized to be levied in Section 2 hereof, shall apply to the sales taxes authorized to be levied in the said Section 2; and all provisions of the State Use Tax Statutes with respect to payment, assessment and collection of the State Use Tax, making quarterly reports and keeping and preserving records with respect thereto, interest after the due date of the State Use Tax, penalties for failure to pay said tax, make reports or otherwise to comply with the State Use Tax Statutes, the promulgation of rules and regulations with respect to the State Use Tax and the administration and enforcement of the State Use Tax Statutes, which are not inconsistent with the provisions of this Act, when applied to the use taxes authorized to be levied in Section 3 hereof, shall apply to the use taxes authorized to be levied in the said Section 3. The Commissioner and the State Department of Revenue shall have and exercise the same powers, duties and obligations, with respect to the taxes herein authorized to be levied, that are imposed on the Commissioner and the said Department by the State Sales Tax Statutes and the State Use Tax Statutes. All provisions of the State Sales Tax Statutes and the State Use Tax Statutes that are made applicable by this Act to the taxes herein authorized to be levied and to the administration of this Act are incorporated herein by reference and made a part hereof as if fully set forth herein.

**Section 9. Charge of State Department of Revenue; Its Disposition of Tax Proceeds.** The State Department of Revenue shall charge the County, for collecting the taxes authorized to be levied herein, the costs of the said Department in collecting the said taxes; provided such charge shall not, in any event, exceed five per cent of the total amount of the taxes collected hereunder. Such charge for collecting the said taxes for the County may be deducted each Month from the tax proceeds collected before the amount of the said proceeds due the County for that Month is certified as provided in this section. The Commissioner shall pay into the state treasury all taxes collected under this Act, as such taxes are received by the State Department of Revenue; and on or before the first of each successive Month (commencing with the Month next succeeding the Month in which the said Department makes the first collection of any of the taxes authorized to be levied hereunder) the Commissioner shall certify to the State Comptroller the amount of

taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of the County during the Month immediately preceding the making of such certificate and shall state separately in the said certificate the amount of the proceeds so collected from the taxes authorized to be levied in Section 2 hereof and the amount of the proceeds so collected from the taxes authorized to be levied in Section 3 hereof; provided, however, that before certifying the amount of taxes paid into the state treasury for the benefit of the County during each Month, the Commissioner may deduct from the taxes collected hereunder in said Month the charges due the said Department for collection of said taxes. It shall be the duty of the State Comptroller (i) to issue his warrant each Month, payable to the County in an amount equal to the amount so certified by the Commissioner as having been collected for the use of the County, and (ii) to transmit to the County, along with the said warrant, a copy of the said certificate by the Commissioner.

**Section 10. Use of Tax Proceeds.** The County shall pay over sixty percent (60%) of the proceeds from any taxes herein authorized to be levied, within ten (10) days after their receipt by the County, as follows:

- (a) twenty percent (20%) of said proceeds shall be paid over to the Board of Education of the County;
- (b) twenty percent (20%) of said proceeds shall be paid over to the Board of Education of the City of Opelika, Alabama; and
- (c) twenty percent (20%) of said proceeds shall be paid over to the Board of Education of the City of Auburn, Alabama.

The remaining forty percent (40%) of said proceeds shall be paid over, within ten (10) days after their receipt by the County, to the general fund of the County and used and applied as provided in the next succeeding Section 11 of this Act.

**Section 11. Use of That Portion of Tax Proceeds Paid Over to the General Fund of the County.** The forty per cent (40%) portion of said tax proceeds required by the provisions of the preceding Section 10 hereof to be paid over to the general fund of the County shall be used only

- (a) for payment of the principal of and the interest (and premium, if any) on (i) any securities that may hereafter be issued by the County or any agency or unit thereof for the purpose of acquiring, constructing, equipping or renovating a courthouse, jail and criminal justice center (or any thereof) for the County, and (ii) any securities that may hereafter be issued by the County or any agency or unit thereof for the purpose of refunding any securities referred to in the preceding clause (i), and

(b) for the creation and maintenance of such debt service reserves as may be required in connection with the issuance of any such securities; provided however, that in the event an agency or unit of the County (such as a county public building authority) hereafter issues any securities for the purpose of acquiring, constructing, equipping, or renovating a courthouse, jail and criminal justice center (or any thereof) for the County and such securities are payable (in whole or in part) from the revenues to be derived by such agency or unit from the leasing of all or any such facilities to the County, such forty per cent (40%) portion of said tax proceeds may be used by the County for payment of rentals that may become due to such agency or unit by the County; and provided further, that in no event shall any part of such forty per cent (40%) portion of said tax proceeds be used for payment of any such securities or any such rentals, or for the creation and maintenance of any debt service reserves in connection with any such securities, unless the original principal amount of such securities is \$6,000,000 or less; and provided further, that such forty per (40%) portion of said tax proceeds may be used by the County for the direct payment of costs of constructing, acquiring, equipping, renovating or maintaining any new or renovated courthouse, jail and criminal justice center (or any thereof) for the County under either of the following circumstances:

(1) if securities of the County or any agency or unit of the County are hereafter issued to fund costs of acquiring, constructing, equipping or renovating a courthouse, jail and criminal justice center (or any thereof) for the County, any of such forty per cent (40%) portion received by the general fund of the County prior to the issuance of such securities, as well as any of such forty per cent (40%) portion received after their full payment and retirement, may be so used; and

(2) if neither the County nor any agency or unit thereof hereafter issues any securities for such purpose and the County instead elects to pay the cost of acquiring, constructing, equipping or renovating a courthouse, jail and criminal justice center (or any thereof) by accumulating moneys therefor, then all said forty percent (40%) portion may be so used.

Nothing herein contained shall be construed to prohibit the investment, pending the use for any authorized purpose, of any of said forty percent (40%) portion of said tax proceeds required by the provisions of preceding Section 10 hereof to be paid over to the general fund of the County.

**Section 12. Advisory Election Authorized.** The governing body of the County may, at its discretion, call an advisory

election on the question of the imposition of the sales and use taxes herein authorized to be levied. Such election shall be called, held and conducted, as nearly as may be practicable, in the same manner as elections on the question of the issuance of county bonds and may be held on the same day as the next general election after this bill becomes a law or on any other date set by the governing body of the County for such purpose; provided however, that (a) notice of any such election shall be published once a week for three consecutive weeks in a newspaper published in the County (the first such publication to be at least thirty days prior to the date fixed for such election), and (b) the ballots to be used at any such election shall state the proposition substantially as follows:

**DO YOU FAVOR THE IMPOSITION OF COUNTY SALES AND USE TAXES FOR THE BENEFIT OF (1) THE GENERAL FUND OF LEE COUNTY, ALABAMA, FOR USE IN CONNECTION WITH THE CONSTRUCTION, EQUIPMENT AND RENOVATION OF A COURTHOUSE, JAIL AND CRIMINAL JUSTICE CENTER (OR ANY THEREOF) FOR LEE COUNTY, (2) THE BOARD OF EDUCATION OF LEE COUNTY, ALABAMA (3) THE BOARD OF EDUCATION OF THE CITY OF OPELIKA, ALABAMA, AND (4) THE BOARD OF EDUCATION OF THE CITY OF AUBURN, ALABAMA?**

☐ **Yes**

☐ **No**

The result of such election shall not in any way be binding on the governing body of the County, which may levy any of the taxes herein authorized to be levied even though a majority of the qualified electors of the County voting at such election are not in favor thereof and may decline to levy any such taxes even though a majority of the qualified electors of the County voting at such election are in favor thereof.

**Section 13. Concerning the levy of Taxes.** If the governing body of the County elects to call, hold and conduct an advisory election as authorized by the provisions of the preceding Section 12 hereof, it may not levy or impose any of the taxes herein authorized to be levied unless (a) within thirty (30) days after the date of such election, it adopts a resolution indicating its intent either to levy any of the taxes herein authorized to be levied or not to levy any of such taxes (which such resolution of intent shall not be binding on such governing body), and (b) within one year from the date of such election, it adopts a resolution actually levying and imposing some or all of the taxes herein authorized to be levied.

**Section 14. Effective Date and Duration of Levy of**

**Taxes.** If the governing body of the County elects to levy or impose any of the taxes herein authorized to be levied and imposed, it shall specify, as the effective date of any such levy, the first day of any month following such levy, provided that such first day is at least fifteen (15) calendar days after the date of such levy. The maximum duration of the levy of any of the taxes herein authorized to be levied shall be as follows:

(a) if the County or any agency or unit thereof hereafter issues any securities to fund costs of acquiring, constructing, equipping or renovating a courthouse, jail or criminal justice center (or any thereof) for the County, none of such taxes may be levied after the expiration of twelve (12) calendar months from the last day of the calendar month during which the last of such securities (including any securities issued to refund any such securities initially issued) are paid and retired; or

(b) if neither the County nor any agency or unit thereof hereafter issues any securities for the purpose of funding any of the costs referred to in the preceding clause (a) and the governing body of the County instead elects to pay all such costs by accumulating moneys therefor, none of such taxes may be levied after the expiration of twelve (12) calendar months from (i) the last day of the calendar month during which moneys sufficient therefor have been accumulated, or (ii) the last day of the calendar month during which the last of such costs are paid, whichever (i) or (ii) occurs first.

Nothing herein contained shall, however, prohibit the governing body of the County, subject to constitutional limitations on the impairment of contracts, from at any time reducing the rate at which any of the taxes herein authorized is levied or from ceasing to levy or impose any of such taxes.

**Section 15. Severability Clause.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 16. Effective Date of Act.** This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Relating to Clarke County; to provide further for the compensation of the members of the county governing body.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** All salary paid to the members of the county governing body shall be paid bi-weekly rather than monthly.

**Section 2.** Upon the commencement of the next term of office of the members of the county governing body they shall receive an additional salary allowance in the amount of \$176.92 bi-weekly. This Salary shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaraiton shall not affect the part which remains.

**Section 4.** The provisions of this act are supplemental and shall not be construed to repeal any laws not directly in conflict herewith.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 418

H. 808—Waggoner

### AN ACT

To alter and rearrange the boundaries of the municipality of Pelham in Shelby County, so as to include certain territory within the corporate limits of the city.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundaries and corporate limits of the municipality of Pelham in Shelby County are hereby altered and rearranged so that the following described territory shall be included within the area embraced within the corporate limits of the city, and shall become a part of the municipality, to-wit:

Beginning at a point on the eastern boundary line of the existing corporate limits of Pelham; said point being the southwest corner of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run east along the south boundary line of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West to a point on

the western boundary line of Oak Mountain State Park. Said point being the southeast corner of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run north along the east boundary line of the northwest quarter of the northeast quarter of Section 6 to the northwest corner of the south half of the south half of the northeast quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; thence run east along the north boundary of the south half of the south half of the northeast quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West to a point on the western right-of-way line of Interstate Highway I-65; thence run northerly along the western right-of-way line of Interstate Highway I-65 to the intersection of said right-of-way line and the north boundary line of Section 31, Township 19 South, Range 2 West; thence run west along the north boundary of Section 31, Township 19 South, Range 2 West, to the southwest corner of the southeast quarter of Section 30, Township 19 South, Range 2 West; thence run north along the west boundary of the southeast quarter of Section 30, Township 19 South, Range 2 West to a point on the south right-of-way line of Valleydale Road (County Highway #17); thence run southwesterly along the south right-of-way of Valleydale Road to a point on the east boundary line of the west half of the east half of the southwest quarter of Section 30, Township 19, Range 2 West; thence run north along the east boundary line of the west half of the east half of the southwest quarter of Section 30, Township 19 south, Range 2 West to the northeast corner of the west half of the east half of the southwest quarter of Section 30, Township 19, Range 2 West; thence run west along the north boundary line of the west half of the east half of the southwest quarter of Section 30, Township 19 South, Range 2 West to the northeast corner of the east half of the southwest quarter of Section 30, Township 19 South, Range 2 West; thence run south along the west boundary line of the east half of the southwest quarter of Section 30, Township 19 South, Range 2 West to a point on the south right-of-way line of Valleydale Road; thence run southwesterly along the south right-of-way line of Valleydale Road to a point on the west right-of-way line of U. S. Highway 31; thence run northerly along the western right-of-way line of U. S. Highway 31 to a point on the north boundary line of the southwest quarter of the southwest quarter of Section 30, Township 19 South, Range 2 West; thence run west along the north boundary of the southwest quarter of the southwest quarter of Section 30, Township 19 South, Range 2 West to the northeast corner of the south half of the south half of Section 25, Township 19 South, Range 3 West; thence continue west along the north boundary line of the south half of the south half of Section 25, Township 19 South, Range 3 West to the northwest corner of the east half of the southeast quarter of the

southwest quarter of Section 25, Township 19 South Range 3 West; thence run south along the west boundary line of the east half of the southeast quarter of the southwest quarter of Section 25, Township 19 South, Range 3 West to the southwest corner of the east half of the southeast quarter of the southwest quarter of Section 25, Township 19 South, Range 3 West; thence run east along the south boundary line of the east half of the southeast quarter of the southwest quarter of Section 25, Township 19 South, Range 3 West to the southeast corner of the southwest quarter of Section 25, Township 19 South, Range 3 West; thence run south along the west boundary line of the northwest quarter of the northeast quarter of Section 36, Township 19 South, Range 3 West to the southwest corner of the northwest quarter of the northeast quarter of Section 36, Township 19 South, Range 3 West; said point being on the northern boundary line of the corporate limits of the City of Pelham; thence continue along the northeast boundary line of the existing corporate limits of the City of Pelham to the southwest corner of the northwest quarter of the northeast quarter of Section 6, Township 20 South, Range 2 West; said point being the point of beginning.

**Section 2.** The substantive provisions of this act shall become operative only if the act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not presently included within the corporate limits of the municipality of Pelham, Alabama, in Shelby County, voting in a referendum election to be held on June 6, 1978. The notice of the election shall be given by the probate judge of Shelby County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Title 11, Chapter 42 of the Code of Alabama 1975. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the adoption of Act No. \_\_\_\_\_, of the 1978 Regular Session of the Legislature which alters, rearranges and extends the corporate limits of Pelham, Alabama, in Shelby County?" Yes ( ) No ( ). If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.



Relating to Colbert County; authorizing the state highway department to use county road funds to maintain mail routes, school bus routes and church and public cemetery roads.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The state highway department is hereby authorized to use road funds dedicated and allocated to the maintenance and improvement of roads in Colbert County for maintenance of mail routes, school bus routes and roads leading from a public road to a church or a public cemetery in such county.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 420

H. 826—Barron, Wyatt, Harris, Langford

### AN ACT

Relating to Montgomery County; providing penalties for littering a public thoroughfare.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person who dumps, deposits, places, throws or leaves refuse, paper, litter, rubbish, debris, tin cans, old iron, brush, boxes, tools, machinery, vehicles, brick, glass, glassware, glass bottles, glass jars, broken glass or glassware, filthy or odoriferous objects, substances or other trash upon a state or county highway, road or other public thoroughfare, or the right-of-way therefor, or within 20 yards of a state or county highway, road or other public thoroughfare in Montgomery County is guilty of a misdemeanor, punishable, upon conviction, by a fine of not less than \$50.00 nor more than \$250.00 and/or by imprisonment in the county jail for not less than fifteen nor more than 60 days or by both.

Provided, however, that nothing in this act shall be interpreted in any way to prohibit any person from dumping, depositing, placing any refuse, debris, etc., on property or next to a road, highway or street or on the right-of-way of a road, highway or street that adjoins property leased or owned by such person or where such person has a legal right to be.

Nothing in this act shall be interpreted or construed to allow any person to violate any other statute or municipal or county ordinance or any administrative rule or regulation dealing with this subject.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 421

H. 827—Goodwin, Coburn

AN ACT

Relating to Colbert County; to provide an additional expense allowance for the members of the board of registrars; and to provide for retroactive effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The members of the board of registrars of Colbert County, Alabama shall receive an additional expense allowance of \$10 per day for expenses incurred while performing the duties of their office. This allowance shall be paid out of the county general fund and shall be in addition to any and all other compensation, expenses and allowances provided for by law.

**Section 2.** This act shall be retroactive to January 1, 1978.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 422

H. 832—Coburn, Goodwin

AN ACT

Relating to Colbert County; authorizing the county commission to require prior approval of subdivision road plats.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of Colbert County is

authorized to regulate the planning and construction of all public streets, public roads and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in the county, including the power to require the filing and posting of a reasonable surety bond with such governing body by the developers of such subdivisions to guarantee the actual construction and installation of such approved proposed public streets, public roads and drainage structures before the sale or offering for sale of any lots from such subdivision to the public. The county commission may require the developers of all proposed subdivisions of lands situated outside the corporate limits of any municipality in the county to submit the plat of such proposed subdivision to the county commission of the county for approval before such plat is filed for record in the office of the judge of probate.

**Section 2.** If any such public street, public road or drainage structure is erected, constructed or maintained in violation of the provisions of this Act or any regulations made pursuant thereto, the county may institute appropriate action or proceedings to prevent such unlawful erection, construction or maintenance, or to require such erection, construction, or maintenance to conform to the regulations prescribed therefor.

**Section 3.** All laws or parts of laws which conflict with this Act are repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 423

H. 838—Smith (J)

### AN ACT

To alter and rearrange the boundaries of the municipality of Taylor in Houston County, so as to exclude certain territory from the corporate limits of the municipality.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundaries and corporate limits of the municipality of Taylor in Houston County are hereby altered and rearranged so that the following described territory shall be excluded from the area embraced within the corporate limits of the city, and shall no longer form a part of the municipality, to-wit:

All of sections 19 and 20 in T2N, R26E and also all of sections

29, 30, 31 and 32 of T3N, R26E, less and except that portion of sections 29 and 32 T3N, R26E that is included in the City of Dothan, Houston County, Alabama.

**Section 2.** All laws or parts of laws which conflict with this act are repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 424

H. 839—Smith (J), Crawford

### AN ACT

Relating to Houston County; to repeal Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 936, H. 1064, 1975 Regular Session (Acts of 1975, p. 1955), entitled "To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office," is hereby repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 425

H. 851—Wyatt

### AN ACT

To authorize the governing body of Montgomery County to establish and maintain firefighting districts within such county; to enter into agreements with Volunteer Fire Departments within such county for fire protection and services; to set fees for fire protection services within said county; and to prescribe the manner of

collection and distribution of such fees.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission of Montgomery county is hereby authorized to establish and maintain firefighting districts within such county and to enter into agreements with Volunteer Fire Departments within such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this Act.

**Section 2.** The county governing body shall set fees for Fire Protection services within said county. Collection shall be made through the various water systems within the county as prescribed by the county governing body; and said fees shall be distributed to the respective Volunteer Fire Department serving said water system.

**Section 3.** This Act is not intended nor shall be construed to limit the authority or the scope of the Volunteer Fire Departments and their operations within such county including serving, protecting or defending all persons property and lives within their respective fire districts.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 6.** This Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorized the provisions of this Act.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 426

H. 897—Baker, Whatley

### AN ACT

To amend Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), entitled "To permit any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 inhabitants according to the 1970 or any subsequent federal decennial census to adopt the council-manager form of municipal government, to provide for the calling and holding of elections to vote thereon, to provide for the election and term of the first council, to define the legal status, form of government and powers of the city, to provide for subsequent elections of members of the council, their number and their terms of office, to

provide for the qualification, powers and authority of the council, the mayor and the city clerk, and for the election of the mayor and city clerk, to provide for the appointment and removal and to define the powers of the city manager, to provide for an annual budget, its preparation, submission, adoption and effect, to create and define the powers and duties of a department of finance and of the director thereof, to regulate purchases and contracts of the city, and to define their powers and authority, to set up the terms and effects of succession in government of any city adopting the council-manager form of government, to provide for the establishment and re-establishment of districts, to make various other provisions for such form of government of any such city, and to provide for the means of abandoning the council-manager form of government", so as to provide that the city manager shall have authority to appoint and remove officers and employees of any municipally owned public utility and any municipally owned service enterprise.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 4.02 of Act No. 71, H. 114, Regular Session 1977 (Acts of 1977, p. 78), is hereby amended to read as follows:

"Section 4.02. The city manager; powers and duties. The city manager shall be the head of the administrative branch of the city government. He shall be responsible to the council for the proper administration of all affairs of the City and, subject to the provisions of any civil service or merit system law applicable to such City and except as otherwise provided herein, he shall have power and shall be required to:

"(1) Enforce all laws and ordinances.

"(2) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Act and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office; provided that he shall not appoint or remove officers and employees of:

"(a) Any library board of the City;

"(b) Any board of the City having control over any park, recreation facility, fair or exhibit;

"(c) Any school board of the City;

"(3) Exercise administrative supervision and control over all officers, employees, offices, departments, boards and agencies created by this Act or hereafter created by the council, except those enumerated in subdivisions (a) to (i) inclusive of subsection (2) of this section, and except those otherwise given independent status.

"(4) Keep the council fully advised as to the financial conditions and needs of the City; to prepare and submit the budget proposal annually to the council and be responsible for its administration after its adoption; to prepare and submit, as of the end of the fiscal year, a complete report on the financial and

administrative activities of the City for such year.

“(5) Recommend the council such actions as he may deem desirable.

“(6) Prepare and submit to the council such reports as may be required of him.

“(7) Perform such other duties as may be prescribed by this Act or required of him by ordinance or by resolution of the council not inconsistent with this Act.”

**Section 2.** This Act shall become effective immediately upon its passage and approval of the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 427

H. 902—Warren

### AN ACT

Relating to Conecuh County; to provide an additional expense allowance for the county coroner.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of Conecuh County is hereby authorized and empowered to pay the county coroner an expense allowance of \$50.00 per month. The expense allowance provided for by this act shall be in addition to all other salary, compensation and expense allowances now provided by law for the county coroner.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 428

H. 903—Warren

### AN ACT

To repeal Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled “An Act To provide an additional expense allowance for the county coroner

of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 723, H. 1207, Regular Session 1976 (Acts of 1976, p. 1006), entitled "An Act To provide an additional expense allowance for the county coroner of all counties having populations of not less than 15,625 nor more than 15,850 inhabitants according to the 1970 or any subsequent federal decennial census," is hereby expressly repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 429

H. 906—Waggoner

### AN ACT

To amend Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), which provides for a personnel board for employees of county law enforcement offices in Shelby County, so as to provide further for the compensation of members of such board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 6 of Act No. 789, H. 1328, Regular Session 1977 (Acts 1977, p. 1363), is hereby amended to read as follows:

"Section 6. The board shall have the power to hire such clerical assistance and engage such legal counsel of its own choice, as may be necessary to adequately perform its functions.

"For regular meetings of the board, each member shall receive \$30.00 per day, not to exceed \$120.00 per month, plus such mileage as is provided by law to the county commission. For special hearings or meetings of the board relating to a pending disciplinary action, each member shall receive \$30.00 per day, not to exceed \$120.00 per month, plus mileage as is provided by law to the county commission."

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.



Act No. 430

H. 927—Smith (J)

## AN ACT

To amend Act 917, H. 1937, approved October 8, 1975, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Tax Assessor and the Tax Collector of Geneva County so as to increase the amount of such allowances.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act 917 H. 1937, approved October 8, 1975 (Act 1975, Vol. III, P. 1823) is hereby amended so to read as follows: The County Commission, Board of Revenue, or other like governing body of Geneva County is hereby authorized to provide for the Tax Assessor and Tax Collector of Geneva County a clerk-hire allowance of \$5,040.00 for each year. The allowance shall be paid when authorized by the Geneva County Commission from the County Treasury in equal bi-monthly installments on vouchers signed by the officers entitled to the allowance.

**Section 2.** This Act is not mandatory but is discretionary, remedial, cumulative and provides additional authority for the betterment of Geneva County.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 431

H. 937—Cross

## AN ACT

Relating to Lawrence County; to further provide for the salaries of the Judge of Probate, the sheriff, the tax collector, the tax assessor and the coroner; and to provide for a temporary expense allowance for each officer elected to serve as the tax collector and the tax assessor.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following officers of Lawrence County shall be entitled to receive compensation as follows:

(a) For the sheriff, an annual salary of \$17,000

- (b) For the tax collector, an annual salary of \$16,000
- (c) For the tax assessor, an annual salary of \$16,000
- (d) For the coroner, an annual salary of \$3,600

Such salaries shall become applicable to each of the officers upon the expiration of the term of office of the present incumbent, and shall be paid in lieu of all other compensation, fees and allowances heretofore provided by law. Such salaries shall be paid in equal monthly installments out of the general fund of the county.

**Section 2.** Effective on the first Monday after the second Tuesday in January 1979 the judge of probate shall be entitled to receive an annual salary of \$18,500 in lieu of all other compensation, fees and allowances heretofore provided by law for the office of judge of probate. Such salary shall be paid in equal monthly installments out of the general fund of the county.

**Section 3.** Any person elected to serve as the tax collector and the tax assessor shall each be entitled to receive a temporary expense allowance at the rate of \$4,800 per year to commence on the first Monday after the second Tuesday in January 1979, and expire on the date the tax collector and the tax assessor take office. Such expense allowance shall be paid to defray the expenses associated with the transition into offices of the tax collector and the tax assessor whether or not that person is at that time serving in any other elected position.

Such expense allowance shall be in addition to any other compensation or allowance heretofore payable to such persons so elected, and shall be payable in equal monthly installments out of the general fund of the county.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 432

H. 942—Carter, Moore (W)

## AN ACT

To amend Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) entitled, "An Act Further regulating the trapping of fur-bearing animals in

the State of Alabama; amending Title 8, Section 91, Code of Alabama, 1940 (Recompiled 1958), so as to increase the fees chargeable for the issuance of trapping licenses, prescribing additional regulations relative to traps and designating additional criminal offenses relative to trapping of fur-bearing animals; placing strict civil liability upon persons who cause injury or damages to persons or property as a result of trapping fur-bearing animals; further regulating the trapping of fur-bearing animals on any state highway right-of-ways; providing that traps shall be checked on a periodic basis; prohibiting the suspending of bait over steel traps; prescribing criminal penalties; and requires certain reports to be filed by trappers and fur dealers," so as to provide that the provision of Sections 2 and 3 of said act shall not apply to Limestone County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 6 of Act No. 801, H. 99, 1977 Regular Session (Acts of 1977, p. 1381) which relates to the trapping of fur-bearing animals in the State of Alabama, is amended to read as follows:

"Section 6. A violation of the provisions of Sections 3, 4 and 5 of this act or failure to fully comply therewith shall constitute a misdemeanor and the person violating same or failing to comply therewith shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars for each offense.

"The provisions of Section 2 and 3 of this act shall not apply to Limestone County."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 433

H. 945—Holley, Folmar

## AN ACT

Relating to Coffee County; providing a lump sum expense allowance for members of the Board of Equalization.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The 1977 members of the Coffee County Board of Equalization shall each receive a lump sum expense allowance of One Thousand and eighty dollars (\$1,080.00). Said expense allowance shall be in addition to all other salaries, compensation and expense allowances provided by law.

**Section 2.** The money for said expense allowance shall come out of the county general fund.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 434

S. 257—Fine

### AN ACT

To amend 1975 Code of Alabama, Section 28-3-16; so as to prohibit the advertising of alcoholic beverages by billboards in "dry" counties; and to permit such advertising in "wet" counties.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The 1975 Code of Alabama, Section 28-3-16, is amended to read as follows:

"§28-3-16. Advertising. There shall be no electric signs, painted signs, or signs of any kind, displayed outside any place of business advertising alcoholic beverages as enumerated and defined in this chapter; and there shall be no advertising of alcoholic beverages as enumerated and defined in this chapter except through newspapers, magazines, radio broadcasting stations, commercial vehicles used for transportation of alcoholic beverages, and billboards located in "wet" counties, as defined in this chapter; provided, however, that there shall be no advertising of alcoholic beverages by means of billboards located in "dry" counties, as defined in this chapter."

**Section 2.** The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or other portion of this Act be held unconstitutional or invalid for any reason, such holding shall not affect any other sentence, paragraph, section, clause, provision or portion of this Act not in and of itself unconstitutional or otherwise invalid.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 435

H. 138—Riddick

### AN ACT

Relating to the practice of barbering in Madison County, Alabama; providing for the establishment of a County Board of Barber Examiners; providing further for the authority and duties of such board with respect to the licensing of barbers, barbers' apprentices, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensing of such board; providing rules and regulations and providing for the adoption by the board of rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby established in Madison County, Alabama, a board of barber examiners known as the Madison County Board of Barber Examiners (hereinafter "Board").

**Section 2.** The Board shall be appointed by the Madison County Commission or like governing body of Madison County and shall consist of four members, at least three of whom shall be practicing barbers who shall have been engaged in such practice in Madison County for a period of not less than ten years. Each member of said Board shall serve for a period of three years and until his successor has been appointed and qualified. The members of said Board holding office at the time this act takes effect shall continue in office until their respective terms expire. Each member shall be entitled to a certificate of appointment signed by the members of the Madison County Commission. Each member of the Board shall receive as compensation for his service such an amount, not to exceed twenty-five dollars per day, as may be fixed by the Madison County Commission for a number of days not to exceed sixty days during any calendar year. The compensation of the board members and the other expenses of the Board, including attorney's fee, secretarial and clerical help and the like incurred in connection with the execution and implementation of this act shall be paid by the County upon the direction of the Board. All fees and charges collected by the Board under the provisions of this act shall be paid into the County treasury and constitute a separate fund to be disbursed by the County governing body upon the direction of the Board, except that at no time shall the amount paid from said fund pursuant to the provisions of this act for compensation or expenses

of the Board be greater than the amount paid into the fund from the fees and charges collected pursuant to this act. All monies in said fund over and above the amount of two hundred dollars at the end of each county fiscal year shall be paid into the County general fund for use as the County governing body shall deem advisable. The Board shall elect a president and a secretary-treasurer. At least two members of the Board shall meet upon call of the president to examine applicants for certificates of registration and pass upon their qualifications to practice barbering. The Board shall be charged with and held responsible for the enforcement of this act.

**Section 3.** It shall be unlawful for any person or individual to practice or attempt to practice the business of barbering for the general public in Madison County without first obtaining a certificate of registration as a registered barber or a temporary permit to practice barbering pursuant to the terms of this act.

**Section 4.** A person shall be qualified to receive an examination for an apprentice certificate of registration, if such person is at least eighteen years of age, is a graduate of a reputable barber school, and is of good moral character and temperate habits. A person shall be qualified to receive an examination for a master barber certificate of registration, if such person has practiced as a registered apprentice for not less than twenty-four months under the personal supervision of a registered barber, or is the holder of a certificate of registration from any other county in the State of Alabama, or is the holder of a valid license by any other state, and is of good moral character and temperate habits. Any person qualified to receive an examination for an apprentice certificate of registration or a master barber certificate of registration shall be qualified for a temporary permit, which shall be granted by the Board and shall remain in effect until such time as the next examination shall be given. Examinations shall be conducted by the Board during the months of January and July. Said examinations shall determine the applicant's fitness to practice barbering in the County and shall be based on the fundamentals and scientific principles of barbering.

**Section 5.** Every applicant for a certificate of registration shall apply to the Board upon blanks provided by the Board for this purpose and each application shall be accompanied by the payment of a fee of fifty dollars to be paid to the Board to cover the cost of the examination. If, upon review of an application, the Board determines that an applicant is qualified to receive an examination for an apprentice certificate of registration or a master barber certificate of registration, the Board shall, upon the request of such applicant accompanied by a certificate of health and payment of a fee of twenty dollars, issue to the applicant a temporary permit

authorizing him to practice barbering as either an apprentice or a master barber, as may be appropriate, until the next examination is given. If, after the examination, the Board finds the applicant to be qualified to practice barbering, or to serve as an apprentice, the Board shall, upon the payment of twelve dollars and fifty cents by the applicant, issue to the applicant a certificate of registration authorizing him to practice barbering, or serve as an apprentice, and said certificate shall remain in effect until the thirty-first day of December of the year in which it is issued. Said certificate of registration shall be renewed on the first day of January of each succeeding year by the Board upon payment by the holder of such certificate of a fee of twelve dollars and fifty cents, and the filing with the Board of a certificate of health, which shall be dated not more than 30 days prior to the application for said renewal certificate. Any person holding a certificate of registration who fails to renew his certificate of registration before January 31 of each year shall pay a fee of twenty-five dollars for a renewal of same after January 31 of each year and, in addition, shall be required to take another examination should he fail to renew his certificate of registration by June 30 of the year following its expiration.

**Section 6.** No person shall engage in the practice of barbering either as an apprentice or as a master barber in this County unless he shall have first obtained a certificate of health which shall show applicant to be in good health, free from all disease such as tuberculosis, granulated eyelid, ringworm, barbers itch, eczema, syphilis or gonorrhea, or any other contagious disease. If requested to do so by any apprentice or master barber in Madison County, the Madison County Health Department shall provide the required medical or physical examination and issue said certificate. Any reputable, licensed, practicing physician may provide same. Such medical and physical examination of the applicant must be made and such certificate of health must be issued not more than ten days before the date of the examination of said applicant by the Board or the issuance of a temporary permit.

**Section 7.** Neither the owner nor manager of a barbershop shall permit any person to work in said shop as apprentice or master barber who shall not first have obtained a certificate of registration provided for in this act or who does not hold a valid temporary permit pursuant to this act. Any such manager, owner or employee (including master or apprentice barber) who shall knowingly violate any of the provisions of this act or any of the sanitary provisions of the State of Alabama or of the health department of the State shall be guilty of violating this act and may be punished as hereafter provided.

**Section 8.** No person shall operate any barbershop in a

resident or dwelling house while any part of such residence or dwelling house is being used at the same time for living and resident purposes. No barbershop shall be operated in any place where foodstuffs are handled or sold unless the barbershop is separated from the food handling area in a manner approved by the county health officer or the Board.

**Section 9.** The owner or manager of a barbershop shall give the Board at least thirty days written notice before the opening of a shop. The provisions of this section shall apply to a new shop as well as the relocation of an established or existing shop. The Board or its agent or employee shall inspect the barbershop. A barbershop shall not open to the public until the inspection has taken place and the shop has been approved as complying with this act. The change of ownership or management of an existing shop shall not become effective until the inspection provided for in this section has taken place and the shop has been approved as complying with this act. A fee of fifty dollars shall be charged by the Board for conducting each inspection for a shop containing not more than five chairs. An additional ten dollars shall be charged for each additional chair.

**Section 10.** The Board or its agent or employee shall have the authority to inspect any shop to insure that the provisions of this act are being complied with.

**Section 11.** No barbershop operating in the County shall display any exterior sign or advertising other than a barber pole, the name of the shop and the hours of operation of the shop.

**Section 12.** No apprentice barber shall practice barbering without being under the supervision of a master barber. There shall be two master barbers in any shop for every one apprentice barber in said shop except that if a shop has only two barber chairs there may be a master barber and an apprentice barber.

**Section 13.** No barber college (such term including any school of barbering, college of barbering, barber school, or other place or institution of instruction for training persons to engage in the practice of barbering) shall operate a barber college without a certificate of registration obtained from the Board. An applicant for a certificate of registration to operate a barber college shall file an application with the Board in such form as the Board may prescribe, accompanied by the fee required by this section. Upon receipt of the application, the Board shall require the applicant, if an individual or a member, partner or officer thereof if the applicant is a firm, partnership or corporation, to appear personally before the Board and submit information in such form as the Board may by regulation prescribe showing: (a) the location of the proposed college and its physical facilities and



equipment, (b) the proposed maximum number of students to be trained at any one time and the number of instructors to be provided, (c) the nature and terms of the applicant's right of possession of the proposed premises, whether by lease, ownership or otherwise, (d) the financial ability of the applicant to operate the college in accordance with the requirements of this section and the regulations of the Board, and (e) such other information as the Board considers necessary.

Prior to the issuance of the certificate the Board or its representatives shall inspect the college and shall determine that it complies with this section and the regulations of the Board. Before making such inspection the Board shall require the applicant to furnish such evidence as the Board may by regulation prescribe, showing compliance with local laws and the requirements of this section.

The Board shall issue a certificate of registration for each college which complies with this act and the regulations of the Board.

The course of instruction of all barber colleges shall consist of the following fundamental subjects:

(a) Sanitation, antiseptics, sterilization, hygiene and bacteria. Instruction in these subjects shall be limited to their relation to barbering.

(b) Hair cutting and shaving.

(c) Massaging of the scalp, face and neck.

(d) Shampooing, and the applying of hair tonics, hairdressing preparations and rinses.

(e) Facials and scalp massages or treatments with creams, lotions, oils or other cosmetic preparations either by hand or mechanical appliances, but such appliance shall not be galvanic nor faradic.

(f) Shop management, ethics, salesmanship, implements and a brief study of the history of barbering.

(g) Laws and regulations governing the practice of barbering.

(h) Common skin or hair diseases of the scalp, face and neck.

(i) The structure and functions of the skin and hair of the scalp, face and neck.

(j) Cosmetic preparations used in the practice of barbering.

(k) Circulation, muscles, nerves and cells of the scalp, face

and neck only as such subjects are related to massaging or other acts of barbering.

(l) Introduction to coloring, bleaching, relaxing of hair, hair pieces, and waving of hair, except that waving shall not include permanent waving.

The initial license fee to operate a barber college shall be in the amount of two thousand dollars and shall be paid before the Board issues a certificate of registration to operate a barber college. The annual renewal license fee to operate a barber college shall be in the amount of one thousand dollars. The initial license fee for each instructor employed or working in such a barber college shall be five hundred dollars and the annual renewal license fee for such instructor licenses shall be two hundred fifty dollars. Such instructor licenses shall not be issued until the fee has been paid in full and no instructor shall participate in the operation of a barber college in the County without such a license. Instructor licenses shall be issued only to licensed barbers.

**Section 14.** The Board is hereby authorized to formulate and promulgate a set of rules and regulations to establish procedures for carrying out the provisions of and to supplement this act, which said rules and regulations shall have force and effect as if they were a part of this act.

**Section 15.** Any person guilty of a violation of any of the provisions of this act shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or imprisonment for up to 12 months in the county jail, or both fine and imprisonment for the first offense, and upon being convicted of a second violation of any of the provisions of this act, such person shall be subject to the penalties as heretofore prescribed, and in addition thereto, the certificate of registration shall be revoked by the Board. Such order of revocation shall be supplied to the violator and to the county health officer, and it shall be unlawful for such person to further practice barbering in Madison County. Each day a violation of the provisions of this act continues shall constitute a separate offense.

**Section 16.** The provisions of this act are supplementary and cumulative, but all laws and parts of laws, general, special or local which are in direct conflict with this act are hereby repealed.

**Section 17.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 436

H. 982—Merrill, Quarles, Holmes (D) Shelton

## AN ACT

Relating to Calhoun County; to authorize the county commission to allocate county funds to assist rural fire departments.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Calhoun County Commission is hereby authorized to allocate county funds to any rural fire department within the county. The county commission may allocate said funds in any instance it may deem appropriate.

**Section 2.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 437

H. 1014—Morris

## AN ACT

Relating to Tallapoosa County; to amend Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), relating to the compensation of certain officers of Tallapoosa County, so as to further regulate the salaries of certain county officers.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 275, S. 470, Regular Session 1969 (Acts of 1969, p. 607), is hereby amended to read as follows:

“Section 1. The following officers of Tallapoosa County shall be entitled to receive compensation as follows:

“(a) For the probate judge, a salary of \$25,000.00 per annum;

“(b) For the tax assessor, a salary of \$18,000.00 per annum;

“(c) For the tax collector, a salary of \$18,000.00 per annum;

“(d) For the sheriff, a salary of \$18,000.00 per annum.

“Such salaries shall be in lieu of all fees, commission,

allowances, percentages and other charges heretofore paid such officers, and shall be payable in equal monthly installments out of the general fund of the county."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 438

H. 1026—Campbell

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Butler, in Choctaw County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Butler in Choctaw County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

SE  $\frac{1}{4}$  of Section 8, Township 13 North, Range 2 West; S  $\frac{1}{2}$  of NE  $\frac{1}{4}$  of Section 8, Township 13 North, Range 2 West; E  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of Section 8, Township 13 North, Range 2 West; said property situated, lying and being in Choctaw County, Alabama.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

Act No. 439

S. 640—Fine

### AN ACT

To provide for and authorize the incorporation of a public corporation as a political subdivision of the state to be named the Upper Buttahatchee River Development Authority, for the development of the Buttahatchee River, its

tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Buttahatchee River Watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, or bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state; to authorize Marion County and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this state, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judges of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by the Authority; and to provide for certain annual reports by the Authority.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Definitions.** The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“Authority” means the public corporation organized pursuant to the provisions of this Act.

“Board” means the board of directors of the Authority.

“Bonds” means and shall include bonds and notes.

“County” means a county in the state.

“Director” means a member of the board of directors of the Authority.

“Governing body” means the Court of County Commissioners, Board of Revenue, or other like governing body of a county.

“Municipality” means an incorporated city or town of the state.

“Person” unless limited to a natural person by the context in which it is used, includes a public or private corporation, a municipality, a county, or an agency, department or instrumentality of a county or municipality, of one or more of the several states, or of the United States of America.

“Property” means and includes real and personal property, and interests therein.

“State” in the absence of clear implication herein otherwise, means the State of Alabama.

“Watershed” means and includes all land in Marion County, lying within fifteen miles of the Buttahatchee River and any of its tributaries.

“Herein”, “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

**Section 2.** Purpose and Nature of the Authority. In the interest of the unified development of the Buttahatchee River and its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes, there is hereby authorized, and shall be established as hereinafter provided, a development Authority for the Alabama portion of the Buttahatchee River watershed. The Authority, when incorporated in accordance herewith, shall be a public corporation and a political subdivision of the State of Alabama, composed of a board of directors selected and empowered as hereinafter provided.

**Section 3.** Number and Composition of the Board of Directors. The board of directors of the Authority shall consist of six members, designated herein as directors, as follows:

(a) The governing body of Marion County shall appoint two directors of the Authority who shall be persons residing in the

county.

(b) The governing body of the City of Hamilton shall appoint one director of the Authority who shall be a person residing in the city.

(c) The Buttahatchee River Property Owners Association, Inc., shall appoint three directors of the Authority who shall be property owners in the Buttahatchee River watershed and members of the Association, to be elected at a meeting of the said Association.

The directors shall be active in municipal, industrial, agricultural, commercial, or citizen organizations engaged in promoting comprehensive and unified development of the resources of the Buttahatchee River watershed as a basis for its general economic growth. The term of office of each director shall be six years, the term of the first director so appointed to commence on the date on which there shall be filed with the Judge of Probate of Marion County the certificate of incorporation provided for in Section 4 hereof. Successors to the first directors shall be appointed in a like manner as provided above, and any vacancy in the office of a director shall be appointed in the same manner by another appointment for the unexpired term.

**Section 4.** Procedure to Incorporate; Contents of Certificate of Incorporation. To become a corporation, the persons who are designated to become members of the initial board of directors of the Authority, as provided in Section 3 of this act, shall present to the Judge of Probate of Marion County, a certificate of incorporation signed by them which shall contain: (1) The name and official residence of each of the said persons; (2) the term of office of each of the said persons as such directors; (3) the name of the proposed corporation which shall be the Upper Buttahatchee River Development Authority; (4) the location of the principal office of the proposed corporation which shall be in Marion County; and (5) any other matter relating to the incorporation that the said persons may choose to insert and which is not inconsistent with this act or the laws of the State of Alabama. The certificate of incorporation shall be accompanied by: (i) A certified copy of a resolution adopted by the governing body of Marion County appointing directors from such county; (ii) a certified copy of a resolution adopted by the governing body of the City of Hamilton appointing a director from such city; (iii) a certified copy of a resolution of the Buttahatchee River Property Owners Association, Inc., appointing directors from such association. The certificate of incorporation shall be subscribed and sworn to by each of the first directors before an officer authorized by the laws of this state to take acknowledgements to deeds. The said Judge of Probate shall

examine the certificate of incorporation presented to him and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it, and shall record it in an appropriate book of records in his office. When the certificate of incorporation has been made, presented, filed and recorded as herein provided, the said persons shall constitute a public corporation under the aforesaid name, and the Authority shall thereupon come into existence. There shall be no fees paid to the Judge of Probate for any work done in connection with the incorporation above provided for.

**Section 5.** Meetings of the Board of Directors. As soon as may be practicable after completion of the incorporation as provided in Sections 3 and 4 hereof, the board of directors shall hold their first meeting at Hamilton, Alabama, elect a Chairman, Vice Chairman, and Secretary-Treasurer, set a regular time and place for meetings of the board, and attend to such other matters as may be appropriate. The Chairman and Vice Chairman shall be elected from the membership of the board; the Secretary-Treasurer may, but need not, be elected from the membership of the board.

Directors shall serve without compensation, except reimbursement for actual traveling expenses and other necessary expenses incurred in the performance of their official duties, such expenses to be reimbursed from such funds as may be available to the Authority.

The quorum necessary for the board of directors to hold valid meetings and to take valid action or transact business shall be four members. Nothing herein shall be construed to authorize the acquisition by eminent domain of any real property or rights owned or controlled by railroads or utilities, both public or private.

**Section 6.** General Powers of the Authority. The general powers, duties, and functions of the Authority shall be as follows:

(a) General. The Authority: (1) Shall have perpetual succession in its corporate name; (2) May sue and be sued in its corporate name; (3) May adopt, use, and alter a corporate seal, which shall be judicially noticed; (4) May enter into such contracts and cooperative agreements with federal, state, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Buttahatchee River Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this act, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states, and with counties and municipalities in



and agencies of such states; (5) May adopt, amend, and repeal by-laws; (6) May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine, the salaries of any such employees to be paid out of such funds as may be available to the Authority from any source.

The Authority may institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment in any court other than the courts of Marion County, Alabama; and provided, further, that the officers, directors, agents and employees of the Authority may not be sued or subjected to a counter-claim, cross-claim, set-off or recoupment for actions in behalf of the Authority in any court other than the courts of Marion County, Alabama; and provided, further, that no claim or cause of action, based wholly or in part upon allegations which call into question the validity of the Authority, shall be heard or adjudicated in any court other than the courts of Marion County, Alabama.

(b) Formulation and Execution of Development Plans. The Authority is authorized to:

(1) Investigate the resources of the Buttahatchee River watershed and determine the requirements for its full development and for control and development of its stream system as an integral part of the economy of the area; (2) Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development; (3) Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation and related purposes, as a part of comprehensive plans; (4) Arrange with the state and with the city, county, municipality, or supplier of utilities, for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; (5) In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state and local agencies and of private citizens and citizen organizations and in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the

purpose of obtaining such loans, grants, or other assistance.

((c) Land Acquisition. The Authority may acquire by purchase, construction, lease, gift, condemnation or otherwise, property of any kind, real, personal, or mixed, or any interest therein, that the board deems necessary or convenient to the exercise of its powers or functions; provided, that acquisition by condemnation shall be limited to lands, rights in lands, including leaseholds and easements, and water rights in the Buttahatchee River watershed that the board determines to be necessary to the control and optimum development of the Buttahatchee River and its tributaries, including such lands adjacent to or in the immediate vicinity of water control reservoirs as the board determines to be necessary to assure full development and optimum use of such reservoirs for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes. The amount and character of the interest in land, rights in land, and water rights to be acquired in such area shall be determined by the board of directors, and its determination shall be conclusive. The Authority's power of eminent domain may be exercised under Title 18 of the Code of Alabama 1975, and any amendments thereto, or pursuant to any other general statutory provisions hereafter enacted for the exercise of the power of eminent domain. The Authority is expressly authorized to acquire by condemnation or otherwise and hold for resale or lease to private or other industrial organizations land or interests in land in the Alabama portion of the Buttahatchee River watershed that it determines to be suitable for industrial uses, and such acquisition is hereby declared to be for the public purpose of the state's industrial development and for the increase of industrial employment opportunities.

(d) Management and Operation. The Authority may:

(1) Enter into contracts with the United States, with the several states and with individuals, private corporations, associations, municipalities, and other public agencies, or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply; (2) Acquire and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or vendees of shoreline lands; (3) Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the Authority's development plan and subject to such restrictions as the Authority deems necessary for reservoir protection and subject to

such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the Authority deems appropriate to its over-all development plan; (4) Acquire or operate shoreline lands of reservoirs owned by the United States of America, as the agent of the federal agency having custody and control thereof under appropriate agreements with such agencies; (5) Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area; (6) Make and enforce reasonable rules and regulations governing the use of any facilities and other property owned, controlled or operated by the Authority; (7) Provide for such insurance as the board may deem advisable; (8) To fix and revise from time to time reasonable rates, fees and other charges for the sale of water for municipal, domestic, agricultural or industrial use, or for the sale of any other services, facilities or commodities that the Authority may be in a position to supply.

(e) **Financing.** The Authority may:

(1) Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the Authority or out of the revenues of any particular facilities and other property of the Authority; and (2) Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the Authority from any source, by a mortgage or deed of trust covering the Authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively obligations of the Authority and shall not create an obligation or debt of the state or of any county or municipality.

**Section 7. Rates and Charges.** Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes or any

of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for service from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

**Section 8.** Bonds of the Authority. All bonds issued by the Authority shall be signed by the Chairman of its board of directors and attested by its Secretary-Treasurer, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the bonds of the Authority shall be signed by the said Chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman of its board of directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same. Any such bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this act, and shall bear such rate or rates of interest, payable and evidenced in such manner; as may be provided by resolution of the board. Bonds of the Authority may

be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The principal of an interest on any bonds and other securities issued or obligations assumed by the Authority may thereafter at any time (whether before, at or after maturity of any such principal and whether at, after or not exceeding six months prior to the maturity of any such interest) and from time to time be refunded by the issuance of refunding bonds of the Authority, which may be sold by the Authority at public or private sale at such price or prices as may be determined by the board to be most advantageous, or which may be exchanged for the bonds of other obligations to be refunded. The Authority may pay all expenses, premiums and commissions which the board may deem necessary and advantageous in connection with any financing done by it. All bonds issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source. All obligations created or assumed and all bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of any court or municipality; provided, that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the Authority. All bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues of the Authority specified in the proceedings authorizing those bonds. Any such proceedings may provide that the bonds therein authorized shall be payable solely out of the revenues derived from the operation of all facilities owned by the Authority, or solely out of the revenues from the operation of any part of such facilities, regardless of the fact that those bonds may have been issued with respect to or for the benefit of only certain particular facilities and other property of the Authority. The Authority may pledge for the payment of any of its bonds the revenues from which such bonds are payable, and may execute and deliver a trust indenture evidencing any such pledge or a mortgage and deed of trust conveying as security for such bonds the facilities and other property, or any part thereof, the revenues or any part of the revenues from which are so pledged. Any mortgage and deed of trust or trust indenture made by the Authority may contain such agreements as the board of directors may deem advisable respecting the operation and maintenance of the property and the use of the revenue subject to such mortgage and deed of trust or affected by such trust indenture, and respecting the rights, duties, and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made; provided, that no such instrument shall be subject to foreclosure.

**Section 9. Contracts to Secure Bonds and Assumed Obligations.** As security for payment of the principal of and interest on bonds issued or obligations assumed by it, the Authority may enter into a contract or contracts binding itself for the proper application of the proceeds of bonds and other funds, for the continued operation and maintenance of any facilities owned by it, or any part or parts thereof, for the imposition and collection of reasonable rates for and the promulgation of reasonable regulations respecting any service furnished from such facilities, for the disposition and application of its gross revenues or any part thereof, and for any other act or series of acts not inconsistent with the provisions of this act for the protection of the bonds and other obligations being secured and the assurance that the revenues from such facilities will be sufficient to operate such facilities, maintain the same in good repair and in good operating condition, pay the principal of and interest on any bonds payable from such revenues, and maintain such reserves as may be deemed appropriate for the protection of the bonds, the efficient operation of such facilities, and the making of replacements thereof and capital improvements thereto. Any contract pursuant to the provisions of this section may be set forth in any resolution of the board of directors authorizing the issuance of bonds or the assumption of obligations or in any mortgage and deed of trust or trust indenture made by the Authority hereunder.

**Section 10. Statutory Mortgage Lien.** Any resolution of the board of directors, or trust indenture, under which bonds may be issued pursuant to the provisions of this act may contain provisions creating a statutory mortgage lien, in favor of the holders of such bonds and of the interest coupons applicable thereto, on the facilities and other property (including any after-acquired property) out of the revenues from which such bonds are made payable. The said resolution of the board of directors, or the said trust indenture, may provide for the filing for record in the office of the Judge of Probate of each county in which any part of such facilities or other property may be located of a notice containing a brief description of such facilities or other property, a brief description of such bonds, and a declaration that said statutory mortgage lien has been created for the benefit of the holders of such bonds and the interest coupons applicable thereto, upon such facilities and other property, including any additions thereto and extensions thereof. Each Judge of Probate shall receive, record and index any such notice filed for record in his office. The recording of such notice, as herein provided, shall operate as constructive notice of the contents thereof.

**Section 11. Proceeds from Sale of Bonds.** All moneys

derived from the sale of any bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (1) the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, (2) in the case of bonds issued to pay costs of construction, interest on such bonds (or, if a part only of any series of bonds is issued for construction purposes, interest on that portion of the bonds of that series that is issued to pay construction costs) prior to and during such construction and for not exceeding one year after completion of such construction, and (3) in the case of bonds issued for the purpose of refunding principal and interest, or either, with respect to bonds issued or obligations assumed by the Authority, any premium that it may be necessary to pay in order to redeem or retire the bonds or other obligations to be refunded.

**Section 12. Exemption from Taxation.** The Authority, its income, the property of the Authority while owned by it, all bonds issued by the Authority, the income from such bonds, conveyances by or to the Authority, and leases, mortgages, and deeds of trust by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. No license or excise tax may be imposed on the Authority in respect of the privilege of engaging in any of the activities authorized by this Act.

**Section 13. Monetary Contributions by Marion County and the City of Hamilton.** Marion County and the City of Hamilton are each hereby authorized and empowered to contribute to the Authority any amount or amounts of money, either with or without consideration therefor, that their respective governing bodies, acting in their sole discretion without the necessity of authorization at any election of qualified electors, shall approve to be paid from the general fund of the respective county or municipality. Governing bodies of such county or municipality are hereby empowered to levy and collect ad valorem taxes within constitutional limits for such purposes, which are hereby declared to be for municipal and county public purposes.

**Section 14. Freedom of Authority from Public Service Commission and Other State Supervision and Control.** This act is intended to aid the State of Alabama in the execution of its duties by providing an appropriate and independent political subdivision of the state with full and adequate powers to fulfill the functions herein authorized. Except as in this act expressly otherwise provided, no proceeding, notice or approval shall be required for

the incorporation of the Authority or the amendment of its certificate of incorporation, the acquisition of any property or facilities, or the issuance of any bonds, mortgage and deed of trust, or trust indenture. The Authority, its facilities and other property, and the rates and charges thereof shall be exempt from all jurisdiction of, and all regulation and supervision by, the Public Service Commission. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of bonds by the Authority. Nothing herein shall be construed to repeal the requirement for obtaining the permit provided for in Section 22-23-2 of the Code of Alabama 1975, as amended.

**Section 15. Use of Public Roads.** The Authority is hereby authorized to use the rights of way of all public roads in the state without securing the prior approval of the state or of its agencies or departments or the governing body of any county and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama, provided, however that nothing herein shall be construed to exempt the Authority from the requirements of Section 23-1-53 of the Code of Alabama of 1975, as amended; and provided, further, that the Authority shall have the duty to restore at its expense all roads, highways and public rights of way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

**Section 16. Annual Reports.** The board of directors of the Authority shall report annually to the governing body of Marion County and the City of Hamilton. Such reports shall include a statement of financial receipts and expenditures, and a summary of all activities and accomplishments for the period and proposed plans for the next year.

**Section 17. Cooperation of State Agencies.** All agencies of the state are hereby authorized and directed to extend their cooperation and lend assistance to the Authority in the formulation and implementation of its development program.

**Section 18. Advisory Board.** For the purpose of coordinating its activities with the needs and undertakings of other local organizations and groups, the board of directors may establish an advisory board consisting of the chairman of the board of directors of the Authority (who shall be chairman of the advisory board), and of sufficient members to represent adequately so far as feasible industry, commerce, agriculture, recreation, the general public, any official planning and developmental bodies in the area, and organized citizens groups working for the development of the Buttahatchee River watershed.



**Section 19.** Construction of Act. The act shall be considered supplemental and additional to any and all other laws and confers sufficient power in and of itself for the purposes set forth herein. This act shall be liberally construed to effectuate its purpose of facilitating the development of the resources of the Buttahatchee River watershed.

**Section 20.** Severance in Event of Partial Invalidity. If any provision of this act or application thereof to any person or circumstances should be held invalid, such invalidity shall not affect any other provisions or application of the act which can be given without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

**Section 21.** Enabling Legislation; When Effective. This act is intended to implement the provisions of an amendment to the Constitution of Alabama, as proposed by the current session of the Legislature, relating to the subject expressed therein, and is enacted pursuant thereto. If the constitutional amendment is ratified, as provided therein, this act shall thereupon become effective immediately; if the proposed amendment is not ratified, this act shall have no effect.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 440                      H. 981—Merrill, Quarles, Holmes (D), Shelton  
AN ACT

Relating to Calhoun County; to increase the mileage compensation paid to individuals by the county commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Calhoun County Commission shall pay all persons entitled to receive mileage compensation from the county commission the sum of fifteen cents (\$.15) for each mile traveled. Said mileage compensation shall be in lieu of any previous mileage compensation paid by the Calhoun County Commission to said qualifying individuals.

**Section 2.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 14, 1978 without approval by the Governor.

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Act No. 441

H.J.R. 467—Williams

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. HINTON WATERS  
ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted, with pleasure, the 50th Wedding Anniversary on March 3, 1978, of Mr. and Mrs. Hinton Waters of Enterprise, Alabama; and

WHEREAS, these two were legally joined in holy matrimony on March 3, 1928, and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another, remaining steadfastly faithful to their marriage vows and setting an enviable example for others to follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Enterprise, Coffee County, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. Hinton Waters that they may know of our congratulations and warm wishes.

Approved April 12, 1978

Time: 3:00 P.M.

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Act No. 442

H.J.R. 520—Biddle, Waggoner, Gafford, White,  
Moore (O), Trammell, Andrews,  
Armstrong, Falkenburg

HOUSE JOINT RESOLUTION

HONORING DAVE CAMPBELL, BIRMINGHAM RADIO

## PERSONALITY.

WHEREAS, Donald Davis Campbell, a native of Cleveland, Ohio, spent his early boyhood in Canada, returning to Cleveland for his junior and senior high school years; he attended the University of Alabama on a swimming scholarship, earning a double major in speech and psychology; and

WHEREAS, Dave, as he is known to the audience of his nightly telephone talk show, "The People Speak," over WAPI Radio in Birmingham, began his career in Sheffield, Alabama; his next job for better pay, a big \$30.00 per week, was followed by a move to WSFA in Montgomery broadcasting the Rebel Baseball games and serving as that station's first news director; and

WHEREAS, he returned to Cleveland in 1941 and was with the Mutual Network until his rising career was interrupted by World War II during which time he served in Europe with the 304th Infantry Division; and

WHEREAS, he then went back to Cleveland and to sportscasting to later work with a newspaper in Pennsylvania where he met his lovely wife, Rose; they eloped to Birmingham and Dave resumed his radio career with WAPI, later working with WBRC to begin "The People Speak" show which he took with him when he returned to WAPI and where he has remained for more than 20 years; and

WHEREAS, his highly successful night-time show, which was only the 2nd of its kind in the county, has been going and growing for 24 years and much of its interest to listeners is due to the fact that "The People Speak" is Dave's show, all the way; he permits subjects to be opened for discussion which other shows of like kind either prohibit or ignore; and

WHEREAS, guests by phone, and in person, have included state, local and national officials, entertainment stars, sports figures, and, of course, Dave's loyal local following, both friend and foe alike; and

WHEREAS, he was twice named the Conservation Broadcaster of the Year, has won the Douglas Cannon Medical Reporter award, and has received numerous other awards and honors throughout his long, successful and rewarding career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with thousands of fans and friends in highly commending Dave Campbell of Birmingham, Alabama, both on his outstanding

career and for responsibly providing, through the years, an opportunity to let "The People Speak."

BE IT FURTHER RESOLVED, That Dave Campbell be presented with a copy of this resolution as evidence of our high praise and esteem.

Approved April 12, 1978

Time: 3:15 P.M.

Act No. 443     S.J.R. 415—Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop and Wilson

### SENATE JOINT RESOLUTION

AUTHORIZING THE NAMING OF THE UNIVERSITY OF ALABAMA BASEBALL FIELD, NOW CALLED "THOMAS FIELD" THE "SEWELL-THOMAS FIELD."

WHEREAS, Joe Sewell of Tuscaloosa, Alabama, who is a member of both the Alabama Sports Hall of Fame and Baseball's Hall of Fame at Cooperstown, New York, and played on the great Yankee Baseball teams along with Babe Ruth and Lou Gehrig; and

WHEREAS, during a professional career of fourteen years, he batted .312 and drove in 1,051 runs, he also is affectionately known as "No Strike Joe" for having been struck out the fewest times of any player in major league history, only 114 times in more than 7,000 trips to the plate, and with only four strike-outs in 1925 and again in 1929; and

WHEREAS, Joe Sewell coached the University of Alabama's baseball teams from 1964 to 1968; and

WHEREAS, as an outstanding athlete who has enjoyed an enviable and laudable career in professional baseball, and as a beloved former baseball coach at the University of Alabama, Joe Sewell is richly deserving of honor by this body and by the citizens of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF

ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the University of Alabama baseball field located at Tuscaloosa, now called "Thomas Field" be and the same is named and shall be designated the "Sewell-Thomas Field."

BE IT RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to forward a copy of this resolution to Mr. Joe Sewell.

Approved April 12, 1978

Time: 3:15 P. M.

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Act No. 444

H.J.R. 392—Cates

### HOUSE JOINT RESOLUTION

NAMING THE BRIDGE ON U. S. HIGHWAY 10 OVER FOSTER'S BRANCH IN COMMEMORATION OF GLENN MOODY

WHEREAS, the late Glenn Moody was a beloved and prominent citizen of Butler County having been a long-time civic, political and business leader in his community and that area of our state; and

WHEREAS, Glenn Moody, who at the time of his death was serving as sheriff of Butler County, was both admired and respected for his leadership and for his sensitivity to the needs of his fellow citizens; he has indeed been deeply and sorely missed by all those who were privileged to know him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of the late Sheriff Glenn Moody of Butler County, we hereby name and designate the bridge on U. S. Highway 10 which crosses Foster's Branch near mile post 134 just east of the intersection of I-65 and U. S. Highway 10, the "Glenn Moody Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized and directed to erect and maintain appropriate metal signs and markers so designating said bridge as the "Glenn Moody Bridge."

RESOLVED FURTHER, That a copy of this resolution be sent to Mrs. Glenn Moody of Greenville, Butler County, Alabama, as a token of this commemorative designation honoring her late husband.

Approved April 12, 1978

Time: 3:10 P. M.

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Act No. 445    H.J.R. 571—Gafford, McCorquodale, Sasser, White, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes (A), Holmes (D), Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Langford, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Shoemaker, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Thomas, Towns, Trammell, Tucker, Turnham, Venable, Waggoner, Ward, Warren, Weeks, Whatley, Williams, Wyatt, Younce

## HOUSE JOINT RESOLUTION

### COMMENDING ALVIN FOX, JR. FOR OUTSTANDING ACHIEVEMENT

WHEREAS, the Legislature of Alabama has noted with profound admiration the election of Alvin Latham Fox, Jr., to membership in Phi Beta Kappa; he also has been awarded the coveted and prestigious Hugh Black Scholarship to the University of Alabama School of Law; and

WHEREAS, it is to be further noted that Alvin Fox Jr. will graduate from the University of Alabama at the early age of 20, his

birthday occurring on May 14, 1978, the same day of his graduation; and

WHEREAS, "Peck" Fox, as he is widely known, is a graduate of Woodlawn High School in Birmingham, Alabama; he is Lieutenant Governor of the Vulcan District of Circle K and has served the Legislature both as a page in both houses, and as a member of Boys State; and

WHEREAS, "Peck" is a young man possessed of extraordinary talent and ability, a proverbial "chip off the old block" as he is the son of Al Fox, our long-time friend and esteemed member of the Capitol Press Corps; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Alvin Latham Fox, Jr., for outstanding achievement, heartily congratulating him on his election to Phi Beta Kappa and on his winning the Hugh Black Scholarship.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Alvin Fox, Jr., and to his parents and our friends, Mary and Al Fox, that they may know of our sincere praise and of our warm best wishes for "Peck's" every future success.

Approved April 12, 1978

Time: 3:00 P. M.

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Act No. 446

H.J.R. 555—Harrison, McNair, Hilliard

## HOUSE JOINT RESOLUTION

### HONORING MRS. ADDINE DREW

WHEREAS, the Legislature of Alabama has noted with pleased accord the recent honor of the 1978 Distinguished Service Award bestowed upon Mrs. Addine Drew of Birmingham, Alabama, by the Southern Women's Archives for Mrs. Drew's work on the board of that organization; and

WHEREAS, Mrs. Drew holds the position of secretary-treasurer of Alexander and Company Insurance Agency of which her husband, John J. Drew, is president, and in addition to her responsibilities in this capacity, she not only managed to devote her time and talents in serving the Archives Board, but also to actively participate in numerous other highly worthwhile civic projects and

endeavors of benefit to her fellowman; and

WHEREAS, concern for others has always been a vital part and a consuming force in the life of Addine Drew, as she is a woman of rare courage and ability who, for more than 20 years, has been committed to making her city one in which good human relations, civil rights and equal education and job opportunities are a reality for all; and

WHEREAS, imbued with a burning desire for a better life for every citizen, she first became actively involved through volunteer efforts with the 1957 voter registration drive, which precipitated the 1965 Voting Rights Act, and with her work for the Alabama council on Human Relations to study racial inequities of the 1950's and early sixties; she further was a charter member of the Birmingham Panel of American Women; and

WHEREAS, during the turbulent times of her involvement with the cause for human rights, Mrs. Drew many times faced grave and mortal dangers, and her home was a haven for civil rights workers in the city, including such notables as Dr. Martin Luther King, Mrs. Rosa Parks, Andrew Young and other activists, whose lives, too, were endangered; she also was invited to the White House by President and Mrs. Kennedy to be honored with others who were deeply involved in the cause of freedom and equality; and

WHEREAS, Mrs. Drew was appointed by Mayor Seibels to two terms on the Birmingham Beautification Board, was appointed to the Jeffco Historical Commission by State Senator Richard Dominick and, in 1973, was appointed to the Board of the Alabama Public Library Service by Governor George Wallace; she has been honored by both the Mayor and City Council of Birmingham for her work in the community and was cited by her fellow board members for her work and efforts with the Library Service; and

WHEREAS, Addine Drew, as trustee of the Birmingham Library Board, serves as vice-chairman for a second time, and is a member of the architect and building committee; she serves on the by-laws committee of the Alabama Library Association, is a member of the national Library Trustees Association, and also is coordinator of the UAB and Birmingham Public Libraries' liaison committee; and

WHEREAS, Mrs. Drew, who is a member of the NAACP and the National Council of Negro Women, has further participated, for more than ten years, as a charter member of Friends of Miles College, working on the board to help raise funds and to create positive human relations and awareness, both on campus and in the community; now therefore,



BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend Mrs. Addine Drew of Birmingham, Alabama, for her efforts on behalf of all citizens of our state and nation.

BE IT FURTHER RESOLVED, That Mrs. Drew and her husband, and their son, Jefferson J. Drew, receive copies of this resolution as evidence of this body's grateful appreciation and esteem.

Approved April 12, 1978

Time: 3:15 P. M.

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Act No. 447

H.J.R. 107—Drake

### HOUSE JOINT RESOLUTION

TO OPPOSE THE ABOLITION OF THE NATIONAL FIRE ACADEMY AND THE NATIONAL FIRE PROTECTION & CONTROL ADMINISTRATION.

WHEREAS, there is a move in Congress to abolish the National Fire Academy and the National Fire Prevention and Control Administration, and

WHEREAS, the National Fire Academy and the National Fire Prevention & Control Administration, through its training and education programs, will be very instrumental in reducing fire loss throughout the United States, and

WHEREAS, this proposed action will greatly affect the people of Alabama

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body go on record as opposing the abolition of the National Fire Academy and the National Fire Prevention & Control Administration and urging Congress to restore the funding of these agencies.

Approved April 12, 1978

Time: 3:00 P. M.

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Act No. 448    H.J.R. 446—Harris, Barron, Wyatt, Plaster,  
Holmes (A), Langford, Merrill, Hill,  
Venable

HOUSE JOINT RESOLUTION  
MOURNING THE DEATH OF JUDGE JOHN B. SCOTT

WHEREAS, the Legislature of Alabama has grievously noted the death of Judge John Baytop Scott in Montgomery, Alabama, on February 23, 1978, at the age of 71; and

WHEREAS, Judge Scott who was a native of Montgomery, was born March 23, 1906; he was the son of James M. and Adelaide B. Scott and was a direct descendent of General John Scott who was one of the founders of the city of Montgomery; and

WHEREAS, he received his LL.B. Degree from the University of Alabama, was admitted to the Bar in 1926, and, during World War II, was a U. S. Army Major; and

WHEREAS, he served as Judge of Municipal Court in Montgomery from 1929 until his retirement in 1956 at which time he returned to the private practice of law, and, in 1969, was appointed reporter of decisions for the Alabama Supreme Court and the Court of Civil and Criminal Appeals; he was a member of the local, state and American Bar Associations, a past president of the Montgomery Bar Association, past vice president and executive secretary of the Alabama Bar Association; was primarily responsible for the promotion and erection of the State Bar Building and edited and published the first Alabama Bar Reports; and a member and director of the Montgomery Country Club; and

WHEREAS, as an attorney by profession, John B. Scott was a man learned in the law and, as a judge, fairly administered justice under the law but tempered with mercy and compassion when for as befitted a man possessed of kindliness and love for his fellowman; and

WHEREAS, he was a man of great religious principal, a lifelong member of the Grace Episcopal Church, the clerk of the vestry and a lay reader; and

WHEREAS, though prominent in legal and judicial affairs for almost 50 years, Judge Scott was most admired and loved by those privileged to know him as a modest, kind and gentle man; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Judge John Baytop Scott of Montgomery, Alabama, and extend our deep and sincere sympathy to his wife, Mrs. Josephine Scott, to his two sons, John B. Scott, Jr. and James M. Scott and to his sister, Mrs. Malcolm Martin, we further direct that they receive copies of this resolution

that they may know we share their sorrow as we mourn the loss of one of our state's finest and most beloved citizens.

Approved April 12, 1978

Time: 3:15 P. M.

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Act No. 449

H.J.R. 455—Gafford

### HOUSE JOINT RESOLUTION

WHEREAS, Mrs. Margaret Burnett is an outstanding citizen of Jefferson County, Alabama, and

WHEREAS, she has been a member of the Woodlawn Baptist Church since 1906 and has indeed taught Sunday School there for sixty years, and

WHEREAS, Mrs. Burnett has been a qualified voter since women were given the right to vote and during that time has been a staunch Democrat and hard worker and is known by many as "Mrs. Democrat", and

WHEREAS, Mrs. Burnett has worked at the polls in practically every election since she first was given the right to vote and has exercised such right in a good and prudent manner, and

WHEREAS, Mrs. Burnett ten years ago did help found the Eastern Area Democratic Club which is one of, if not the most, active Democratic Club in Jefferson County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend Mrs. Margaret Burnett for her outstanding contribution to civic, church, political and community activities over the period of her life and do wish her many years of happiness and continued activity as "Mrs. Democrat" in the City of Birmingham, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Burnett.

Approved April 12, 1978

Time: 3:00 P.M.

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Act No. 450

H.J.R. 456—Gafford

### HOUSE JOINT RESOLUTION

WHEREAS, Mrs. Clara S. Crowder, a resident of Birmingham, Alabama for forty-five years, is now serving her tenth consecutive year as Secretary to the Jefferson County Democratic Executive Committee, and

WHEREAS, Mrs. Crowder assisted in the founding of the Eastern Area Democratic Club, and

WHEREAS, Mrs. Crowder has given extensively of her services, and

WHEREAS, Mrs. Crowder was forty-five years old before she cast her first ballot in an election, she has served actively at the polls for the past twenty-seven years and has worked in many capacities within the Democratic Party, and

WHEREAS, Mrs. Crowder has been active in civic programs in the City of Birmingham, is a member of the Woodlawn Chapter No. 110, Order of the Eastern Star, Recording Secretary of the Greater Birmingham Safety League since 1967 and serves as Registrar for the Defensive Driving School, Past President of the Birmingham Area Business and Professional Women's Club, Past President of Soroptomist Club, and a long-time member of the East Lake Methodist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mrs. Clara S. Crowder for her many years of civic duty as well as her many years of work for better government.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Mrs. Crowder.

Approved April 12, 1978

Time: 3:00 P.M.

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Act No. 451      H.J.R. 512—Biddle, Waggoner, Gafford, White,  
Moore (O), Armstrong, Trammell,  
Hopping, Falkenburg, Andrews

#### HOUSE JOINT RESOLUTION

COMMENDING MR. HAL BURNS OF BIRMINGHAM, ALABAMA.

WHEREAS, the life of Hal Burns of Birmingham, Alabama, embodies one of man's most admirable attributes, that of concern for the well-being of his fellowmen; and

WHEREAS, for many years, Happy Hal Burns, as he is known to all, and his lovely wife, Connie, have performed religious services, both in song and with words, in countless churches of all denominations throughout the Birmingham area; and

WHEREAS, through his tireless efforts on behalf of the Mysasthenia Gravis Foundation, over \$10,000 were raised to promote the work of this fine organization; and

WHEREAS, further, in 1977-1978, Happy Hal volunteered to work with the structure of the Alabama Library Association's Annual Exhibitors Tour which presented exhibits in eight cities for the benefit of school and public librarians in Alabama; he also composed the song, "A Book a Day" designed to motivate children to read and which was later adopted as the theme for National Library Week; and

WHEREAS, all his personal appearnace benefits, which literally number in the thousands, are performed without pay and, in most instances, at his own expense; and

WHEREAS, his motto, "you can't spread the perfume of happiness on others without spilling a few drops on yourself," is evidenced as true in his own life by the fact that the word "happy" has become an integral part of his name and reflects the joy he has lavished on others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we honor and commend Mr. Happy Hal Burns of Birmingham, Alabama, as a friend to man who generously shares his joy, love and talent in unselfish and unlimited service to others.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Burns that he may know of our sincere praise and deep esteem.

Approved April 12, 1978

Time: 3:00 P.M.

Act No. 452

H.J.R. 524—Carter, Martin

# HOUSE JOINT RESOLUTION

HONORING AND CONGRATULATING COACH OBA  
BELCHER OF ATHENS STATE COLLEGE.

WHEREAS, the Legislature of Alabama notes with profound

admiration that Oba Belcher, presently head basketball coach at Athens State College, has entered a most select group of coaches by attaining his 300th victory during a remarkable career; and

WHEREAS, Coach Belcher is a 1949 graduate of Florence State which is now the University of North Alabama; he was awarded his Master's Degree from Auburn University where he coached the Tigers' freshman team prior to joining the staff at Athens; and

WHEREAS, his career at Athens began in 1961 during the difficult years prior to the school's admission into the state system of higher education; Oba Belcher, however, led Athens State through this period of struggle to successfully revive interest and enthusiasm in basketball, both on campus and in town, to place himself first among state college coaches in "wins"; and

WHEREAS, under Coach Belcher, the Bears have captured three NAIA District championships with two wins at the NAIA Nationals at Kansas City; his teams have also won six Conference championships, five Conference Tournament titles and, for Oba Belcher, the sweet taste of victory for the 300th time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Oba Belcher of Athens State College on his remarkably outstanding career and offer our heartiest congratulations on his prestigious 300th win.

BE IT FURTHER RESOLVED, That Coach Belcher be presented with a copy of this resolution as but a token of our deep admiration and esteem.

Approved April 12, 1978

Time: 3:00 P.M.

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Act No. 453

H.J.R. 532—Harris

### HOUSE JOINT RESOLUTION

URGING THE ALABAMA CONGRESSIONAL DELEGATION TO IMMEDIATELY INVESTIGATE THE ANNOUNCED CONSOLIDATION OF MONTGOMERY'S MAXWELL AIR FORCE BASE WITH THE U. S. AIR FORCE TRAINING COMMAND.

WHEREAS, Maxwell Air Force Base in Montgomery, Alabama, has for many years been a major Air Force Command

providing professional and continuing education and training for Air Force officers, non-commissioned officers and civilian employees; its major units include the Air War College, Air Command and Staff College, Squadron Officer School, the Civil Air Patrol, Air Force Institute of Technology and the Air Force Reserve Officers Training Corps; and

WHEREAS, the announced consolidation of Maxwell with the U. S. Air Force Training Command, to become effective April 11, 1978, is a decision of radical change and of such gravity as to warrant a complete and thorough investigation, not only as to its impact on the City of Montgomery and the State of Alabama, but on both the short and long-range effect this drastic move might have on our entire nation; such a change might well adversely affect the quality and high standards of the education and training so vitally needed to assure the safety of all our citizens; and

WHEREAS, to consolidate Maxwell's total personnel strength of 8,876 into a command totaling more than 120,000 is considered by the citizens of Alabama tantamount to diluting proven and recognized effectiveness and efficiency by stretching responsibility to its limits; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly urge our Alabama Congressional Delegation, both Senators and Representatives, to immediately and thoroughly investigate the proposed changes affecting Maxwell Air Force Base in Montgomery, Alabama, and its impact on our state and nation.

BE IT FURTHER RESOLVED, That the Clerk of the House and the Secretary of the Senate are hereby directed to forward a copy of this resolution to each member of the Alabama Congressional Delegation in Washington, D. C.

Approved April 12, 1978

Time: 3:00 P.M.

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Act No. 454

H.J.R. 549—Biddle

### HOUSE JOINT RESOLUTION

CONGRATULATING JEFFERSON STATE WOMEN'S GYMNASTIC TEAM ON THEIR SECOND CONSECUTIVE NATIONAL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama notes with pleasure and pride that on March 11, 1978, at Jefferson State Junior College in Birmingham, Alabama, the Jefferson State Junior College Women's Gymnastic Team won their second straight National Junior Collegiate Women's Gymnastic Championship in stiff competition with teams from Arizona, Maryland, Texas, Florida, Illinois, Idaho, and Wyoming; and

WHEREAS, Marti Griffith won the National Champion Gymnast for the second straight year, which is indeed a distinct honor; and

WHEREAS, Patty Weih, Debra Bodley and Beth Cook also were given All-American designations, Beth Cook placing third individually and Debra Bodley placing sixth. In addition to the young ladies mentioned above, Vincentia Caterinichia, Cathy Jemison, Amy Nash and Emily Whitten did outstanding work and contributed much to the success of the team; and

WHEREAS, the team was coached by Dr. Tom Henderson, ably assisted by Assistant Coach Bob Moore; and

WHEREAS, the Legislature and all of Alabama are indeed proud of this fine team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend and congratulate the gymnists from Jefferson State for both their team and individual championships won at the NJCAA meet in Birmingham, bringing both honor and prestige to themselves, their coaches, their school and their state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President George L. Layton who has supported and encouraged the team and the athletic programs at the school, to the coaches and to each member of the team.

Approved April 12, 1978

Time: 3:15 P.M.

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Act No. 455

H.J.R. 89—Smith (C), Cates

### HOUSE JOINT RESOLUTION

### CONGRATULATING WARRANT OFFICER CARROLL MISSILDINE

WHEREAS, the Alabama Legislature has noted the recent



promotion of Carroll Missildine who now holds the distinction of being the first female Warrant Officer ever appointed in the Alabama Army National Guard; and

WHEREAS, Carroll Missildine, a Montgomery native who works for the State Finance Department as a corporate finance secretary, joined the Guard in 1974 and is a highly dedicated Guardswoman who, upon appointment of Warrant Officer, was assigned as a Legal Administrative Technician in the Selective Service Section of the State Headquarters Detachment; and

WHEREAS, she is a warm, friendly and generous person, held in high regard by her colleagues for whom she, in turn, shows genuine interest and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Warrant Officer Missildine with all good wishes for success in her new assignment, and further direct that she receive a copy of this resolution as evidence of our warm praise.

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 456    H.J.R. 516—Waggoner, White, Leonard, Lockett,  
McCluskey, Naramore, McNair

### HOUSE JOINT RESOLUTION

COMMENDING THE BIRMINGHAM-SOUTHERN  
COLLEGE BASKETBALL TEAM.

WHEREAS, Birmingham-Southern College, which has laid claim to the small college basketball title in Alabama, represented this State at the National Association of Intercollegiate Athletics tournament in Kansas City, Missouri, March 13-18; and

WHEREAS, Birmingham-Southern, coached by Murray Arnold and Marty Gross, defeated LeMoyne-Owen in first round action before losing to East Texas State University; and

WHEREAS, The Panthers ended their season with a 29-5 record, the best of any college or university team in Alabama in 1978; and

WHEREAS, Birmingham-Southern College not only

participated in the National playoffs, but also won the District 27 NAIA title and the Southern States Conference championship along the way; and

WHEREAS, Birmingham-Southern is the recipient of the Richard F. Dominick Memorial Trophy, named for a former member of both the House and Senate, and which trophy is symbolic of the state's small college champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend the Birmingham-Southern College Panther's on a record-breaking season and for being outstanding representatives of the State of Alabama in the national playoffs.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Murray Arnold and to the Birmingham-Southern Athletic Department.

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 457

S.J.R. 21—McMillan

### SENATE JOINT RESOLUTION

TO DESIGNATE THE BIRMINGHAM FESTIVAL OF ARTS AS THE OFFICIAL STATE ARTS FESTIVAL.

WHEREAS, the Birmingham Festival of Arts is renowned in its field and is the most outstanding arts festival in the State of Alabama; and

WHEREAS, no arts festival is designated as the official state arts festival in this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Birmingham Festival of Arts is hereby designated as the official state arts festival and shall be so designated by signs, markings, advertisements and other appropriate forms of publicity.

Approved April 14, 1978

Time: 2:30 P.M.

Act No. 458

S.J.R. 377—McMillan

## SENATE JOINT RESOLUTION

AMENDING SJR 135 OF THE REGULAR SESSION OF 1971 (ACT NO. 2417, SJR 135, PAGE 3848, ACTS OF 1971) WHICH ESTABLISHED THE "ARTS HALL OF FAME" IN THE BIRMINGHAM CIVIC CENTER SO AS TO CHANGE THE LOCATION OF SUCH "HALL" TO THE CAMPUS OF THE UNIVERSITY OF ALABAMA IN BIRMINGHAM, AND TO RESTRUCTURE AND ENLARGE THE MEMBERSHIP OF THE EXECUTIVE BOARD OF SUCH "HALL," AND TO ESTABLISH AN ADVISORY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That SJR 135 of the Regular Session of 1971 (Act No. 2417, SJR 135, page 3848, Acts of 1971) is hereby amended to read as follows, viz:

"WHEREAS, there exists in Alabama a need for an Arts Hall of Fame to recognize the development of art, including but not limited to painting, sculpture, music, dance, theater, literature and architecture, in Alabama and in other states of these United States of America; and

"WHEREAS, there will exist on the campus of the University of Alabama in Birmingham a physical facility suitable for the display to the public of a plaque or other appropriate means of recognition of each honoree and when possible appropriate examples of the work of the artists, authors, performers, architects, and musicians to be honored by the Arts Hall of Fame; now therefore

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established in the State of Alabama the "Arts Hall of Fame," the Executive Board of which shall be made up of ten persons, all of whom shall serve terms of four years after their initial term has expired, one of whom shall be appointed by the Birmingham Festival of Arts to serve an initial term of two years, one of whom shall be appointed by the Board of Trustees of the University of Alabama for an initial term of three years, one of whom shall be appointed by the Alabama Council on Arts and Humanities for an initial term of four years; the Mayor, with the consent of the city council or city commission, of each of the four largest cities in Alabama, shall each appoint one of four members of said Executive Board for initial terms as follows, viz: The Mayor of the largest city shall appoint a member who shall serve for an initial term of one year, the Mayor of the next largest city shall appoint a

member who shall serve for an initial term of two years, and the Mayor of the third largest city shall appoint a member who shall serve for an initial term of three years, and the Mayor of the fourth largest city shall appoint a member who shall serve an initial term of four years; and in addition thereto, the seven aforementioned members of said Board shall appoint three additional members to said Board who shall serve initial terms of three years commencing on May 1, 1978.

“BE IT FURTHER RESOLVED, That said members shall serve for terms of four years each and until their successors shall have been selected and qualified. Said Board shall elect from among its members a Chairman, a Vice-Chairman, a Secretary and a Treasurer, each to be elected for a term of one year, with right of succession.

“Said Board shall meet annually to nominate persons from throughout the State and nation who have at one time resided in the State or have made a meaningful contribution to the State of Alabama through their particular art form and who have won fame on account of their achievements in the Arts. The Board shall elect by a two-thirds vote from among such nominees those persons that it considers worthy of inclusion in the Arts Hall of Fame.

“BE IT FURTHER RESOLVED, that there is hereby established an advisory committee to be known as the “Arts Hall of Fame Advisory Committee.” The committee shall be composed of persons appointed by the Chairman of the Executive Board of the Arts Hall of Fame who shall serve at his pleasure. The chairman of the Executive Board shall serve as chairman of the Advisory Committee. The committee shall meet at the call of the chairman and not less than once per annum. The members shall serve without compensation. The Advisory Committee shall advise and give their expertise to the Executive Board in implementing the provisions of this Act.

“Further, the Board of Trustees of the University of Alabama is hereby directed to set aside a suitable location in said facility for the display of the honorary plaques and the works of those elected to the Arts Hall of Fame.

“Further, those elected to the Arts Hall of Fame shall each receive an appropriate plaque or certificate for their personal collection.

“Further, those so elected shall not exceed four in number during any one calendar year.”

Approved April 14, 1978

Time: 2:30 P.M.

Act No. 459

S.J.R. 36—Shelby

## SENATE JOINT RESOLUTION

HONORING JAMES W. OAKLEY, SR., RECENTLY INDUCTED INTO THE ALABAMA NEWSPAPER HALL OF HONOR.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure that, on October 8, 1977, the late James W. Oakley, Sr., former editor and publisher of *The Centreville Press*, was inducted into the Alabama Newspaper Hall of Honor, thereby joining a truly select group of members of the press so honored since 1959; and

WHEREAS, James Oakley, Sr., the son of Oliver C. and Elizabeth B. Oakley, began his life's work in 1929 as editor and publisher of *The Press*, remaining with that paper until his death in 1972; and

WHEREAS, in 1969, he was the recipient of the Alabama Press Association's first-place award for weekly newspapers for his lead in the fight against an organized speed trap and as a result, subsequent legal action led to a U. S. Supreme Court ruling that struck down Alabama's Justice of the Peace Courts; also in 1969, he was honored by receiving the State Lion's Club award for his work in boosting Lion projects; and

WHEREAS, Mr. Oakley was vitally interested in the civic welfare of his community, having won election to the Centreville City Council in 1930, serving until 1949 when he was elected Mayor, which office he held until his death; he also was a charter member of the Centreville Kiwanis club, organized the Bibb County Industrial Board which enhanced the county's ability to attract industry, and was instrumental in establishing a citizens' committee for the construction of the Bibb County Hospital and Nursing Home; and

WHEREAS, James Oakley, Sr., a strong believer in the power of the press, demonstrated that a newspaper was a viable force and with the corrective force of his powerful pen, righted those wrongs he sought out with unfaltering perseverance and without regard for personal safety in unpleasant or even dangerous situations; he was a man of truth, positive action and was ever sensitive to the needs of those around him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend, applaud and concur with the selection of James W. Oakley, Sr., a member of the Alabama Newspaper Hall of Honor; we share his family's pride in this great honor and direct

that they receive copies of this resolution as evidence of our praise and esteem.

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 460      S.J.R. 38—Shelby, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Gilmore, Goodwin, Higginbotham, Jones, King, Little, McDonald (A), McDonald (S), McMillan, Miller, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Stewart, Teague, Vacca, Waldrop and Wilson

#### SENATE JOINT RESOLUTION

NAMING A PORTION OF BIBB COUNTY ROAD NUMBER 12 IN COMMEMORATION OF SENATOR WALTER C. GIVHAN.

WHEREAS, Walter Coats Givhan, a native of Perry County, Alabama, was born May 7, 1902, son of Walter Pope and Betty Coats Givhan, of Dallas County; and

WHEREAS, Senator Givhan was educated in the public schools of Marengo County and in the Linden High School; he attended North Georgia College where he was a member of Sigma Nu Fraternity, graduated in 1921 with a Bachelor of Science degree in agriculture and subsequently became a planter and businessman in Safford, Dallas County, Alabama; and

WHEREAS, Walter C. Givhan was first elected to the Alabama House of Representatives in 1930, serving for sixteen years; he was elected in 1954 to the Senate, thus establishing more tenure in the Alabama Legislature than anyone in our state's history; and

WHEREAS, Senator Givhan's record of service, not only to his area of the state but to all of Alabama, stands unchallenged in its accomplishments: He was instrumental in the establishment of a statewide system of trade schools and junior colleges; he fought for an inland docks system; he was an advocate of an improved highway system; and for his entire thirty-eight years in the legislature, actively supported every major piece of legislation of

benefit to farmers; and

WHEREAS, in the area of highway improvement, Senator Givhan was instrumental in the construction of that portion of Bibb County Road Number 12 which extends from Greenpond to U. S. Highway 11 at Caffee Junction; the completion of that project, supported by the Senator even after Bibb County was no longer in his district, has greatly enhanced the convenience and safety in that area of those travelling to Highway 11 and on to Tuscaloosa or Birmingham; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, as a tribute to the dignity, deep humility, unswerving loyalty and true statesmanship of Walter Coats Givhan, that portion of Bibb County Road Number 12 which extends from Greenpond to U. S. Highway 11 at Caffee Junction is hereby named and designated "The Walter C. Givhan Drive."

BE IT FURTHER RESOLVED, That the Highway Department is hereby authorized and directed to erect and maintain appropriate signs and markers so designating said portion of Bibb County Road Number 12.

Approved April 14, 1978

Time: 2:30 P.M.

Act No. 461

S.J.R. 330—Edwards

### SENATE JOINT RESOLUTION

AUTHORIZING OFFICIALS OF THE JOHN C. CALHOUN STATE COMMUNITY COLLEGE TO NAME A BUILDING IN COMMEMORATION OF E. M. "ED" FRAZIER.

WHEREAS, Mr. E. M. "Ed" Frazier, a native of Tennessee and a graduate of the University of Tennessee, was a longtime resident of Decatur, Morgan County, Alabama; and

WHEREAS, Ed Frazier was one of Decatur's most prominent businessmen who, at the time of his death on December 11, 1977, was the owner and operator of Frazier Machinery and Supply company which he established in 1937; and

WHEREAS, further, he was actively involved in many of the civic and charitable affairs of his community as a member of the Masonic Lodge, a past president of the Decatur Shrine Club, member of the Mayor's Committee of 50, the Chamber of

Commerce, Junior Achievement and the Tennessee River Valley Authority; he also was a 40-year member of the Decatur Lions Club and a lifetime honoree of the Alabama Boys and Girls Ranch; and

WHEREAS, he was politically active in the Democratic Party, having attended many of the national party conventions, and also served for some 20 years as North Alabama campaign coordinator for Governor George Wallace; and

WHEREAS, Mr. Frazier was one of the state's most highly respected and productive citizens who devoted his time and talents in dedicated service to others; and

WHEREAS, officials of the John C. Calhoun State Community College have requested authority to name a building in honor of E. M. 'Ed' Frazier; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby authorize the naming of a building at the John C. Calhoun State Community College in Decatur, Morgan County, Alabama, in commemoration of E. M. "Ed" Frazier.

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said building.

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 462

S.J.R. 350—Edwards

### SENATE JOINT RESOLUTION

NAMING THE FORMER TUBERCULOSIS SANATORIUM IN FLINT CITY, NOW OWNED BY THE STATE DEPARTMENT OF MENTAL HEALTH, "THE E. M. 'ED' FRAZIER NORTH ALABAMA REGIONAL HOSPITAL."

WHEREAS, Mr. E. M. "Ed" Frazier, a native of Tennessee and a graduate of the University of Tennessee, was a longtime resident of Decatur, Morgan County, Alabama; and

WHEREAS, Ed Frazier was one of Decatur's most prominent businessmen who, at the time of his death on December 11, 1977, was the owner and operator of Frazier Machinery and Supply Company which he established in 1937; and



WHEREAS, further, he was actively involved in many of the civic and charitable affairs of his community as a member of the Masonic Lodge, a past president of the Decatur Shrine Club, member of the Mayor's Committee of 50, the Chamber of Commerce, Junior Achievement and the Tennessee River Valley Authority; he also was a 40-year member of the Decatur Lions Club and a lifetime honoree of the Alabama Boys and Girls Ranch; and

WHEREAS, he was politically active in the Democratic Party, having attended many of the national party conventions, and also served for some 20 years as North Alabama campaign coordinator for Governor George Wallace; and

WHEREAS, Mr. Frazier was one of our state's most highly respected and productive citizens who devoted his time and talents in dedicated service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the former tuberculosis sanatorium in Flint City, Morgan County, Alabama, now owned by the State Department of Mental Health, "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

BE IT FURTHER RESOLVED, That the proper authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said hospital as "The E. M. 'Ed' Frazier North Alabama Regional Hospital."

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 463 S.J.R. 402—Little, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Foshee, Gilmore, Goodwin, Higginbotham, Jones, King, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Peden, Perloff, Perry, Powell, Proctor, Roberts, St. John, Shelby, Stewart, Teague, Vacca, Waldrop and Wilson

#### SENATE JOINT RESOLUTION

WHEREAS, James E. Foy, Dean of Student Affairs at Auburn University, has given 27 years of dedicated service to the institution and its student body; and

WHEREAS, Dean Foy began his association with the institution in 1950 as assistant director of student affairs and was named dean in 1952; and

WHEREAS, Dr. Foy was the recipient in 1975 of the Scott Goodnight Award of Honor, the highest recognition attainable in his profession; he further has twice received the Award of Honor from the American Red Cross for his efforts in leading students at Auburn to establish several world records for donating blood and he, himself, is a seven gallon donor; and

WHEREAS, although a graduate of the University of Alabama, Dr. Foy is a long-time convert to the ranks of War Eagle fans and to such a degree that, in the words of Auburn's President Harry M. Philpott, "Few people have so exemplified the spirit of Auburn as Dean Foy"; and

WHEREAS, throughout his many years at Auburn, Dr. Foy has at all times evinced an interest in his students with sincerity and loyalty, giving unsparingly of himself to perpetuate these qualities in the student body and thereby gaining their admiration and recognition; and

WHEREAS, the Student Senate whose members are representative of the Auburn Student Body, has adopted a resolution calling upon the Auburn Board of Trustees to recommend the naming of the Auburn Union for Dr. Foy; and

WHEREA, The Board of Trustees, at its meeting on March 13, 1978, unanimously recommended the naming of the Auburn Union for Dr. Foy; therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the devotion and outstanding service of Dr. Foy to Auburn University and to its students, the Auburn Union be designated, named and known as the James E. Foy Union.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Dean Foy and his family so that they may know of this action and the Legislature's high regard for his service to the people of Alabama.

Approved April 14, 1978

Time: 2:30 P.M.

NAMING DALLAS COUNTY HIGHWAY 38, "LURLEEN B. WALLACE DRIVE."

WHEREAS, County Highway 38, connecting Highways 41 and 89, runs directly in front of the Boys Ranch property located in Dallas County, Alabama; and

WHEREAS, the beloved Lurleen Burns Wallace, former Governor of the State of Alabama, visited Boys Ranch in 1967 and thereby became aware of the bad conditions of the unpaved roads in the vicinity of The Ranch; and

WHEREAS, immediately upon her return to Montgomery, Governor Lurleen Wallace instigated measure which resulted in the paving of Dallas County Highway 38; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of our late Governor Lurleen B. Wallace, and in posthumous appreciation for her efforts on behalf of all citizens of the State of Alabama, this body hereby names and designated Highway 38, which connects Highways 41 and 89, in Dallas County, Alabama, "Lurleen B. Wallace Drive."

BE IT FURTHER RESOLVED, That the proper authorities are authorized to erect and maintain appropriate signs and markers so designating said highway as the "Lurleen B. Wallace Drive."

Approved April 14, 1978

Time: 2:30 P.M.

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Act No. 465

H. 885—McNees

AN ACT

To regulate further the compensation and the expense allowance of the County Superintendent of Education of Fayette County; and giving retroactive effect to such expense allowance.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Superintendent of Education of Fayette County shall receive as compensation for his services an annual salary in such amount as is fixed by the County Board of Education of Fayette County, such salary to be paid in equal monthly installments out of any funds of the county as may be available for such purpose.

**Section 2.** The County Superintendent of Education of Fayette County shall receive an expense allowance of \$3,000.00 per annum, to be paid in equal monthly installments out of any funds of the county available for such purposes, such expense allowance to be in addition to all other compensation and allowances now provided by law for such superintendent of education.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed, except Act No. 673, 1973 Acts and Act No. 442, 1947 Acts.

**Section 5.** The provisions of Section 2 shall become effective retroactively to January 1, 1978, and the county superintendent of education shall be paid such expense allowance from said date.

**Section 6.** All other provisions of this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1978

Time: 2:00 P.M.

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Act No. 466

H. 886—McNees

### AN ACT

To regulate further the expense allowance of the members of the Fayette County Commission and giving retroactive effect to such expense allowance.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The members of the Fayette County Commission shall each receive an additional expense allowance of \$150.00 monthly to be paid out of any funds of the county as may be available for such purpose. Such expense allowance shall be in addition to any and all other salary, compensation and expense allowances now provided by law for the members of the Fayette County Commission.

**Section 2.** The provisions of this Act shall become effective retroactively to January 1, 1978, and the members of the Fayette County Commission shall be paid such expense allowance from said date.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1978

Time: 2:00 P.M.

Act No. 467

H. 887—McNees

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Fayette, in Fayette County, Alabama.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Fayette in Fayette County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

SW  $\frac{1}{4}$  of SE  $\frac{1}{4}$  and S  $\frac{1}{2}$  of SW  $\frac{1}{4}$  of Section 30; and, N  $\frac{1}{2}$  of NW  $\frac{1}{4}$  of Section 31; all in Township 15 South, Range 12 West.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 18, 1978

Time: 2:00 P.M.

Act No. 468

S. 451—St. John

### AN ACT

To amend Section 22-21-70 of the Code of Alabama of 1975 so as to expand the definition of the term "hospital" contained in said section to include facilities to provide offices for persons engaged in the diagnosis, treatment or cure of sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of sick or injured persons or the records of such diagnosis or treatment or

research with respect to any of the foregoing and to include parking facilities, areas or structures appurtenant to any facilities included within the meaning of the term "hospital."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 22-21-70 of the Code of Alabama of 1975 shall be and hereby is amended to read as follows:

"§ 22-21-70. Definitions. For the purposes of this division, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) THE CORPORATION. A corporation organized pursuant to the provisions of this division.

"(2) SECURITIES. Notes, bonds, certificates of indebtedness, warrants or other evidences of indebtedness.

"(3) HOSPITAL. Such term includes the plural as well as the singular and means (a) public hospitals of all types, public clinics, public health centers and related public health facilities, such as laboratories, out-patient departments, nurses' homes and nurses' training facilities, and central service facilities operated in connection with public hospitals, (b) appurtenant buildings and other facilities to provide offices for persons engaged in the diagnosis, treatment or cure of diseased, sick and injured persons and to house or service equipment used for the diagnosis, treatment or cure of diseased, sick or injured persons or the records of such diagnosis, treatment or cure or research with respect to any of the foregoing, and (c) parking areas, parking decks, facilities, buildings and structures appurtenant to any of the foregoing."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1978

Time 5:30 P.M.

Act No. 469

S. 181—Jones

## AN ACT

To amend Section 5-2-10, 5-2-120, 5-2-123, 5-2-125, 5-17-1, 5-17-8, 5-17-17, 5-17-19, 5-17-20, 5-17-2 as amended by Section 3 of Act No. 210, Regular Session 1977, and Section 5-17-11 as amended by Section 1 of Act No. 210, Regular Session 1977, Code of Alabama 1975, all of which provide for credit unions in Alabama, so as to provide for enactment of regulations by the State Banking Department, appointment of members of the Credit Union Board of the Bureau of Credit Unions by the governor,

procedures for adoption of rules and regulations by the Superintendent of Banks, hearing on charter revocations, election of officers, reserves and insurance requirements, and elimination of unnecessary language.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 5-2-10, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-2-10 Same - Promulgation of rules and regulations. - The superintendent of banks may, with the concurrence of a majority of the members of the state banking board or, in the case of rules and regulations exclusively affecting credit unions with the concurrence of a majority of the credit union board of the bureau of credit unions, promulgate such reasonable rules and regulations, consistent with the laws of this state, as may be necessary to carry out the provisions of this title over which the state banking department has jurisdiction.

**Section 2.** Section 5-2-120, Code of Alabama of 1975, is hereby amended to read as follows:

§5-2-120 Created; composition; appointment and terms of office of members.—There shall be a credit union board of the Bureau of Credit Unions, which shall consist of the superintendent of banks who shall be ex officio a member and chairman of the board, and seven other persons, appointed by the Governor, by and with the consent of the Senate. Of such seven members of the credit union board of the Bureau of Credit Unions appointed by the Governor, by and with the consent of the Senate, one member shall reside in each of the seven congressional districts in the state of Alabama as of the date of passage hereof. Such appointments shall be made from a list of nominees submitted by the state chartered credit unions in each such congressional district and requests for such nominations shall be mailed to each such credit union. The position of any member of the credit union board of the bureau of credit unions shall be deemed to be vacant if such member of the credit union board ceases to maintain a principal place of residence within the congressional district from which he has been appointed.

Upon the consent by the Senate to the appointment of four or more persons of the seven persons initially nominated by the Governor, the terms of all previous members of the credit union Board of the Bureau of Credit Unions shall be deemed terminated and only those persons appointed by the Governor with the consent of the Senate shall be members of the credit union board of the Bureau of Credit Unions; provided, however, that nothing contained herein shall prohibit the Governor from appointing, with the consent of the Senate, any previous member of credit union board to any term prescribed herein for membership on the board

appointed by the Governor. Such seven appointees by the Governor, with the consent of the Senate, shall serve for the terms designated by the Governor for each such person upon his appointment of such persons. Of such seven persons appointed by the Governor, with the consent of the Senate, three persons shall serve terms expiring on February 1 of the first even numbered year following passage hereof, two persons shall serve terms expiring on February 1 of the second even numbered year following passage hereof, and two persons shall serve terms expiring on February 1 of the third even numbered year following passage hereof. Successors shall be appointed by the Governor, with the consent of the Senate, for terms of six years each, so that the terms of two or three of the seven appointed members will expire on February 1 of each even numbered year. Upon the expiration of their terms of office, members of the board shall continue to serve until their successors are appointed and have qualified.

If a member of the credit union board of the bureau of credit unions fails to attend regular meetings of the board for three consecutive meetings, or otherwise fails to perform the duties devolving upon him as a member of the credit union board of the bureau of credit unions, or is convicted of a felony or any other crime involving moral turpitude, the office of such member may be declared vacant by the governor. The office of such board member shall be deemed to be vacated on the 31st day after mailing of a notice to such board member that his position is being vacated unless such board member files an appeal with the credit union board of the bureau of credit unions prior to the 31st day after mailing of such notice. Any person who is notified that his position on the board will be declared vacant by the governor may, within 30 days after mailing of the notice that his position will be declared vacant, appeal to the other members of the credit union board of the bureau of credit unions by written notice of appeal received by the superintendent of banks within such time period. Upon a finding of good cause for the failure to attend meetings or otherwise perform his duties, or upon a finding that there is a compelling reason for reinstating the member in the event of his conviction of a felony or a crime involving moral turpitude, a majority of board members may reinstate such person to his position. When the member appeals to the credit union board of the bureau of credit unions, unless reinstated by the board within 30 days after such appeal, his position on the board shall be deemed to be vacant on the 31st day after receipt by the superintendent of the members's written notice of the appeal. The superintendent of banks shall call a meeting to hear such appeal within 30 days after receipt of the notice of appeal. The board member who has received notice that his position will be declared vacant shall have the right to be present at any hearing



dealing with his position being declared vacant, but shall not have the right to vote on any issue until he is reinstated by the credit union board of the bureau of credit unions. Any position vacated pursuant hereto shall be filled in accordance with the provisions of §5-2-123 hereof.

**Section 3.** Section 5-2-123, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-2-123. Filling of vacancies; qualifications of members.—

(a) If by reason of death, resignation, removal from office or otherwise a vacancy occurs on the credit union board, the vacancy shall be filled by appointment of the governor and the appointee shall hold office until the senate meets and passes on the appointment, and if the appointment is disapproved by the senate, another appointment must be made by the governor, and appointments must be made in like manner until an appointment is confirmed by the senate. Any person so appointed shall serve the balance of the term for which he has been appointed.

(b) The six appointed members of said credit union board shall be persons of good character. All of the members must have had at least five years' experience in the 10 years next preceding their appointment to the credit union board either as an officer, director or manager of a state chartered credit union. All of the members of said board during the time they hold office shall be connected with some state chartered credit union doing business as a credit union under the laws of the state of Alabama, as officer, director or manager of such credit union.

**Section 4.** Section 5-2-125, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-2-125. Advisory Capacity of board as to administration of laws.—The credit union board shall act in an advisory capacity to the governor, to the superintendent of banks and to the supervisor of the bureau of credit unions in respect to the administration of the laws of this state which regulate or otherwise relate to credit unions. The approval of the credit union board shall also be required before general rules or regulations affecting credit unions are promulgated. In promulgating rules and regulations which affect credit unions, the Superintendent of Banks shall obtain the concurrence of the credit union board of the bureau of credit unions and shall give notice, inviting comment, in writing, of any such proposed regulations to each Alabama credit union affected thereby, and shall give due consideration to such comments before adopting any final regulation. Such notice shall contain a copy of the proposed rule or regulation; shall solicit suggestions in writing as to the content of such proposed rule or regulation; shall provide

that all suggestions shall be submitted to the Superintendent by a date certain not earlier than thirty (30) days subsequent to the giving of said notice; and shall state that any credit union may demand a public hearing on such proposed rule or regulation within thirty (30) days from the date of said notice. If any credit union demands a public hearing relating to regulations proposed by the Superintendent, such hearing shall be held within forty-five (45) days of receipt of such demand for hearing; at such hearing any credit union through its officers or agents, may appear and be heard as parties of record concerning the content, scope, effect and validity of such proposed regulations. A full and complete transcript shall be kept at such hearing, a copy of which may be had by any party of record upon paying the cost of the transcript. Within ninety (90) days of any hearing, the superintendent of banks, with the approval of a majority of the members of the credit union board, shall publish the regulations, which regulations may not take effect until a date certain which date may not be less than fifteen (15) days subsequent to the publication of such rules and regulations. The superintendent shall mail a copy to all credit unions of adopted rules, regulations, or standards immediately upon adoption.

**Section 5.** Section 5-17-1, Code of Alabama of 1975, is hereby amended to read as follows:

§5-17-1. "Credit union" defined.—A credit union is a cooperative society, incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest, particularly among groups of industrial workers and farmers, fraternal and religious organizations, and in those communities where the citizens of the state are distantly removed from convenient centers of business or easy access to financial agencies now provided for by laws of Alabama.

**Section 6.** Section 5-17-2, Code of Alabama of 1975, as Amended by Section 3 of Act No. 210, Regular Session 1977, is hereby amended to read as follows:

"§5-17-2. Procedures for organization and incorporation generally.—(a) Any seven residents of the state of Alabama may apply to the supervisor of the bureau of credit unions for permission to organize a credit union. (b) A credit union is organized in the following manner: The applicants shall execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: (1) the name and location of the proposed credit union, (2) the names and addresses of the subscribers to the certificate and the number of shares subscribed

by each, and (3) the par value of the shares of the credit union, which shall not exceed \$25.00 each. They shall next prepare and adopt bylaws for the general governance of the credit union consistent with the provisions of this chapter and shall execute the same in duplicate. The certificate and by-laws, both executed in duplicate, shall be forwarded to the supervisor of the bureau of credit unions. The supervisor shall, within 30 days of the receipt of said certificate and by-laws, determine whether they conform with the provisions of this chapter, and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this chapter. Thereupon the supervisor of the bureau of credit unions shall notify the applicants of his decision. If it is favorable he shall issue a certificate of approval, attached to the duplicate certificate of organization and return the same together with the duplicate bylaws to the applicants. The applicants shall thereupon file the said duplicate of the certificate of organization, with the certificate of approval attached thereto, with the judge of probate of the county within which the credit union is to do business who shall make a record of said certificate and return it, along with his certificate of record attached thereto, to the supervisor of the bureau of credit unions for permanent record. Thereupon, the applicants shall become and be a credit union, incorporated in accordance with the provisions of this chapter. In order to simplify the organization of credit unions, the supervisor of the bureau of credit unions shall cause to be prepared an approved form of certificate of organization and a form of bylaws, consistent with this chapter, which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested bylaws.

**Section 7.** Section 5-17-8, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-17-8. Reports to supervisor of bureau of credit unions; examination of credit union; revocation of certificate of approval.— Credit unions shall report to the supervisor of the bureau of credit unions at least annually on or before February 1 on blanks supplied by the supervisor for that purpose. Additional reports may be required. Credit unions shall be examined at least annually by employees of the supervisor or by other persons designated by the supervisor. For failure to file reports when due, unless excused for cause by the supervisor, the credit union shall pay to the treasurer of the state \$5.00 for each day of its delinquency. If the supervisor determines that the credit union is violating the provisions of this chapter, or is insolvent, he may suspend operations of such credit

union by issuing an order requiring that such credit union cease operations pending a hearing on the revocation of the certificate of approval, or he may set a date for a hearing on the revocation of the certificate of approval without suspending operations of the credit union. If the supervisor suspends operations of the credit union, a hearing on the revocation of the certificate of authority shall be held within 90 days from the date of the order requiring suspension of operations. If demanded by the credit union, the hearing on revocation of the certificate of authority, whether or not the supervisor has suspended operations of the credit union pending such hearing, shall be conducted on the record by the supervisor and he shall make findings of fact and a written determination concerning revocation of the certificate of authority. Such determination may contain an order requiring that such credit union immediately suspend operations or continue in effect a previous order requiring the suspension of operations. If the determination is that the credit union is violating the provisions of this chapter, or is insolvent, and that the certificate of authority should be revoked, and if, for a period of 15 days after said hearing, said violation continues, the supervisor may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated.

**Section 8.** Section 5-17-11, Code of Alabama of 1975, as amended by Section 1 of Act No. 210, Regular Session 1977, is hereby amended to read as follows:

“§5-17-11. Election of officers; duties of officers and directors generally; compensation of directors.—At the first meeting and at subsequent times prescribed in the bylaws, the directors shall elect a president. The president must be either a member of the board of directors or an employee of the credit union who is not a member of the board of directors. If the credit union elects a president who is not a member of the board of directors, the board of directors shall elect from their own number a chairman and one or more vice chairmen of the board of directors. The board of directors shall have the power, in accordance with the bylaws, to remove any officer who is not a member of the board of directors. At the first meeting and at subsequent annual meetings prescribed in the bylaws, the directors shall elect from their own number, a secretary and treasurer, who may be the same individual. It shall be the duty of the directors to have general management of the affairs of the credit union, particularly: To act on application for membership. To determine interest rates on loans and on deposits, provided that such loans shall be at reasonable rates of interest which shall not exceed one percent per month on unpaid balances. To fix the

amount of the surety bond which shall be required of all officers and employees handling money. To declare dividends, and to transmit to the members recommended amendments to the bylaws. To fill vacancies in the board and in the credit committee until successors are chosen and qualify. To determine the maximum individual share holdings and the maximum individual loan which can be made with and without security. To have charge of investments other than loans to members. The duties of the officers shall be determined in the bylaws. No member of the board or either committee shall, as such, be compensated.

**Section 9.** Section 5-17-17, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-17-17. Loans to members, directors, officers, etc.—Loans are made subject to the conditions contained in the bylaws. A borrower may repay his loan in whole or in part any day the office of the credit union is open for business. Provided that loans to directors, officers or members of a committee are not prohibited in the by-laws, it shall be the duty of the board of directors to establish a written policy concerning loans to a director, officer or member of a committee. If it is the policy of the credit union to make directors, officers and members of a committee eligible for loans, such loans will be made under the same terms, conditions and rules as similar loans to other members. In no case may the credit committee make a loan to a director, officer or member of a committee under the terms more favorable than the terms of similar loans to other members. The credit committee shall at least monthly submit to the board of directors a listing of all loans made to directors, officers and credit committee members.

Unless it is the policy of the credit union to make loans to directors, officers and members of a committee:

(1) No such person may borrow or guarantee any loan from that credit union in an amount in excess of his shares and deposits in that credit union; and

(2) No loan or endorsement made more than 90 days prior to his election shall prohibit any person from being elected as a director, officer or member of a committee, but a new or additional loan or guaranty in excess of such person's shares and deposits shall not be made after such person's election and during his term of office; and

(3) Any person who has, less than 90 days prior to election, borrowed or guaranteed loans from the credit union in excess of his shares and deposits shall, within 15 days after his election, fully pay or secure such loans with shares and deposits, including any shares and deposits held by such person.

**Section 10.** Section 5-17-19, Code of Alabama 1975, is hereby amended to read as follows:

**“§5-17-19. Insurance and Reserves.**

(1) Every credit union shall set aside such regular reserves as are required to be set aside by the credit union in order to maintain insurance of member accounts under the provisions of Title II of the Federal Credit Union Act. Additionally, any credit union may be required by the supervisor of the bureau of credit unions to maintain any special reserves which the supervisor finds are necessary under the particular circumstances to protect the interests of the members.

(2) Not later than 90 days after the effective date of this act, each credit union organized under this chapter shall have or apply for insurance of member accounts under the provisions of Title II of the Federal Credit Union Act.

(3) Any credit union hereafter organized under this chapter shall be prohibited by the supervisor of the bureau of credit unions from beginning the active conduct of business until such time as such credit union has obtained insurance of member accounts under the provisions of Title II of the Federal Credit Union Act.

(4) Any credit union not having insurance of member accounts under the provision of Title II of the Federal Credit Union Act on the effective date of this Act, shall qualify for and obtain such insurance within 18 months thereafter or, if such insurance is not obtained within said 18 months, then such credit union shall either dissolve or merge with another credit union which is insured under Title II of the Federal Credit Union Act.

(5) Any credit union which has had insurance of its accounts under Title II of the Federal Credit Union Act withdrawn or cancelled must apply for such insurance within 30 days of such cancellation or withdrawal. If such credit union has not obtained such insurance within 90 days after such cancellation or withdrawal, the credit union shall either dissolve or merge with another credit union which is insured under Title 2 of the Federal Credit Union Act.

(6) The supervisor of the bureau of credit unions shall be vested with authority to extend the period of time within which a credit union must obtain insurance of its accounts under Title II of the Federal Credit Union Act, to permit other acceptable insurance coverage of its accounts to be utilized by a credit union, and to designate into what credit union a credit union not having such insurance coverage shall be merged.

(7) The supervisor of the bureau of credit unions shall make reports of condition and examination reports available to the Administrator of the National Credit Union Administration and, in his discretion, the supervisor of the bureau of credit unions may accept any report or examination made on behalf of the Administrator of the National Credit Union Administration in lieu of an examination by the supervisor of the bureau of credit unions.

**Section 11.** Section 5-17-20, Code of Alabama of 1975, is hereby amended to read as follows:

“§5-17-20. Dividends.—The directors may declare a dividend from net earnings as the bylaws may provide.

**Section 12.** All laws or parts of law which conflict with this act are repealed.

**Section 13.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1978

Time: 11:48 A.M.

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Act No. 470

H. 944—Holley, Folmar

### AN ACT

Proposing an amendment to the Constitution of Alabama to authorize the consolidation of the offices of tax assessor and tax collector of Coffee County and the establishment of a consolidated and unified system for the assessment and collection of taxes in such county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed, to become invalid as a part of the Constitution, when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

### PROPOSED AMENDMENT

The Legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Coffee County and for the consolidation of the offices of tax assessor and tax collector of such county into one office and for the abolition of the offices of tax assessor and tax collector of such county.

Notwithstanding any provision of this Constitution to the contrary, the legislature may, by local law, provide for the election in 1978 to fill the office of tax assessor or tax collector, of Coffee County, or such other office created pursuant to this amendment. This authorization specifically includes, but is not limited to, the power to suspend the general law relating to deadlines for filing qualifying documents and payment of fees, to set the terms of the offices named herein, and to prescribe the method of placing the names of the candidates on the ballot at the election.

Unless otherwise provided herein, or by local law, the offices of tax assessor and tax collector of Coffee County shall be filled at the general election in 1978 for terms of two years, beginning October 1, 1979, and until a revenue commissioner of Coffee County is elected and qualified; and such revenue commissioner shall be elected at the general election of 1980 for an initial term of four years, beginning October 1, 1981, and until a successor is elected and qualified. Thereafter, unless otherwise provided by general or local law, the term of office of revenue commissioner of Coffee County shall be six years and until a successor is elected and qualified.

Unless otherwise provided by the legislature, the revenue commissioner of Coffee County shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Coffee County, and his compensation shall be fixed by the governing body of the county. Immediately upon the beginning of the first term of the office of revenue commissioner of Coffee County, the offices of tax assessor and tax collector shall be abolished. If either of the offices of tax assessor or tax collector of Coffee County should become vacant at any time from the effective date of this amendment until October 1, 1981, the remaining officer shall thereupon become the revenue commissioner of Coffee County and shall serve as such for the balance of the term for which he was elected, and the offices of tax assessor and tax collector of Coffee County shall be abolished. Should this event occur 30 days or more before the general election of 1978, then the office of revenue commissioner of Coffee County shall be filled at such election for a term of six years, and until a successor is elected and qualified and any person who has qualified to have his name placed upon the ballot as a candidate for either tax assessor or tax collector of Coffee County shall be entitled to have his name placed upon the ballot as a candidate for revenue commissioner of Coffee County.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee County who vote thereon upon its submission.



**Section 2.** An election upon the proposed amendment is ordered to be held on the same day as the next general election of state and county officers next following final passage of this act. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended and Sections 17-7-1 through 17-7-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment

Passed the House as Amended March 30, 1978

Passed the Senate April 13, 1978

Act No. 471

H. 714—Smith (J)

### AN ACT

Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers, and the restructuring or abolition of certain offices of Geneva County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation of the Governor.

### PROPOSED AMENDMENT

The legislature may, from time to time, by general or local laws applicable to or operative in Geneva County, fix, regulate, and alter fees, commissions, allowances, and salaries, including the method and basis of the compensation to be charged or received by all of the county officers of Geneva County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

The legislature may from time to time, by general or local law, provide for the transfer of the duties of the Tax Assessor and Tax Collector of Geneva County to another officer of such county; or

provide for the abolition of the said offices left without duties, or create a completely new office in such county and transfer to such office the duties of each of the said offices of Tax Assessor and Tax Collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Geneva County who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any such officers in Geneva County on a salary basis, or any law fixing, regulating and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any such officer in Geneva County, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect.

**Section 2.** An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

Constitutional Amendment:

Passed the House April 11, 1978

Passed the Senate April 13, 1978

Act No. 472

H. 705—Lutz

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### AN ACT

To propose an amendment to the Constitution of Alabama which, if approved by

the electors of this state, would authorize the Legislature, by general or local law, to provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services and to authorize the levy and collection of certain rates, fees, charges or taxes for the support of such districts.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The following amendment to the Constitution of Alabama is hereby proposed and shall become valid as a part of the Constitution when approved and proclaimed ratified as prescribed by law:

### PROPOSED AMENDMENT

The Legislature may, by general or local law, provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services.

**Section 2.** An election upon the proposed amendment is ordered to be held at the first General Election in 1978. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 and 17-17-6 of the Code of Alabama 1975.

**Section 3.** Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted for four weeks next preceding said election at each courthouse in said county.

Constitutional Amendment:

Passed the house March 23, 1978

Passed the Senate as amended April 6, 1978

House concurred in Senate Amendment April 13, 1978

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Act No. 473

H. 805—Waggoner, White, Falkenburg, Moore  
(O), Andrews, Trammell, Jolly,  
Armstrong, Boles, Hall, Leonard

AN ACT

To further amend Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts. 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is hereby provided that Section 10 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is further amended so as to read as follows:

“Section 10. Retirement for Superannuation. Subsection A of Section 10. (a) Within the meaning of this Section 10 two (2) periods of service shall be deemed to be consecutive if the latter period of service commences within ninety (90) days of the termination of the earlier period of service.

“Anything herein to the contrary notwithstanding, no pension shall be payable hereunder, based upon length of service, unless the person receiving the pension shall have been in the service of the County for three (3) consecutive years immediately preceding his retirement; provided, however, that the requirement of three (3) consecutive years service, immediately preceding retirement, shall not apply to any member who retired, or became eligible for retirement, under this Act prior to the adoption of the provision imposing the said requirement of three (3) consecutive years service immediately preceding retirement.

“When any member of the retirement system established by this Act has not less than ten (10) years paid membership time, as defined in Section 1 of this Act, and has attained the age of sixty (60) years, he shall be eligible for retirement for superannuation but such retirement shall not be compulsory.

“Subject to the limitation stated in the sentence next following this sentence, it is hereby provided that any member who has attained the age of fifty-five (55) years on January 1, 1962, and has made contributions to the system for a period of not less than five (5) years, and has attained the age of sixty (60) years shall be eligible for retirement for superannuation but such retirement shall not be compulsory. The provision of the next foregoing sentence shall not apply to any person except one who retired under this Act prior to September 1, 1969, or one who on said date was employed by the county and was also on said date a member of this pension system.

“Any member shall be eligible for retirement for superannuation upon the completion of thirty (30) years or more of service with the County, at least ten (10) years of which shall be paid membership time; provided, however, that if at the time of retirement such member has not attained the age of sixty (60) years,

the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof, shall be reduced as hereinafter provided. Any member who is eligible for retirement and who desires to retire, shall be granted the benefits herein provided for upon a written application by himself, or, in the event he is mentally or physically incapacitated, by someone acting in his behalf, said application to be filed in the office of the Pension Board.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which pension will commence at the time hereinafter stated; provided, however, that no member shall be entitled to such pension unless he pays into the fund of the system between the date of his retirement and the date of which the pension will commence the amounts hereinafter specified. The term 'deferred pension', as used herein, means the pension provided for in the next foregoing sentence. If a member be involuntarily retired after having accumulated eighteen (18) years of service with the County, at least ten (10) of which years shall be paid membership time, and if he shall make the payments to the fund of the system hereinafter prescribed, payment of his deferred pension shall commence upon that date of the two following dates which first comes: (1) the date on which he attains the age of sixty (60) years; or (2) the date on which he would have completed thirty (30) years' service with the County, if instead of retiring he had continued in the service of the County; provided, however, that if at the time payment of the deferred pension commences he has not attained the age of sixty (60) years, the amount of his monthly pension computed in accordance with the formula set forth in subsection (b) hereof shall be reduced as hereinafter provided. No person shall be entitled to receive the deferred pension unless he pays to the fund of the system, between the date of his retirement and the date on which payment of the deferred pension is to commence, the amount hereinafter prescribed. In order to be entitled to receive the deferred pension, the member, during the period specified in the next foregoing sentence, shall pay to the retirement fund before the last day of each calendar month the sum of the following amounts: (1) The amount which would have been deducted from his salary and paid into the fund of the system during the month if he had continued to be employed by the County at the same salary he was earning on the date of his retirement and (2) the amount which the County would have paid to the system during the month to match his salary deduction for the month, if he had continued to be employed by the

County at the same salary he was earning on the date of his retirement. In order to become entitled to the deferred pension a member so retired shall make the payments prescribed in the next foregoing sentence not later than the time prescribed in said sentence; but he may make all or any part of said payments in advance of the time prescribed in the said sentence.

"Any member not entitled to voluntarily retire under the foregoing provisions who shall be involuntarily retired after having accumulated twenty (20) years of service with the County, at least ten (10) of which shall be paid membership time, shall be entitled to receive a monthly pension computed in accordance with the formula set forth in subsection (b) hereof, the payment of which shall commence upon his retirement if he is then as much as fifty-five (55) years of age, and if he is less than fifty-five (55) years of age when he retires the payment of such pension shall commence upon his attaining the age of fifty-five (55) years. In order for a member to be entitled to the deferred pension provided for in the next foregoing sentence it shall not be necessary that any payments to the retirement fund be made by him for any period following his involuntary retirement.

"No person shall be entitled to receive a deferred pension if his separation from the service of the County was due to his misappropriation of funds or property of the County, or to moral delinquency on his part.

"(b) Benefits. Subject to the conditions designated Condition 1 and Condition 2, contained below in this subsection (b), if upon a member retiring he is sixty (60) years of age or has previously attained his sixtieth (60th) birthday, he shall receive a monthly pension for the remainder of his life to be determined by the following formula:

"(1) One and seven-eighths percent ( $1\frac{7}{8}\%$ ) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years; plus

"(2) One and one-eighth ( $1\frac{1}{8}\%$ ) percent of his basic average salary multiplied by the number of years of his paid membership time in excess of thirty (30) years; plus

"(3) Five-eighths of one percent ( $\frac{5}{8}$  of 1%) of his basic average salary multiplied by the number of years of his unpaid membership time.

"Condition 1. By joint action the County Commission and the Board may increase the rate provided for by (1), above (which is one and seven-eighths percent ( $1\frac{7}{8}\%$ ) of his basic average salary multiplied by the number of years of his paid membership time as

shall not exceed thirty (30) years) to two percent (2%) of his basic average salary multiplied by the number of years of his paid membership time as shall not exceed thirty (30) years. Such joint action shall be expressed by resolutions separately adopted by the County Commission and the Pension Board. Neither the County Commission nor the Pension Board shall take action without considering actuarial advice.

“Condition 2. No member shall receive any retirement benefit in excess of seventy percent (70%) of his basic average salary. The maximum of seventy percent (70%) of a member’s basic average salary shall apply in determining the amount on retirement benefit payable to a member retiring when the maximum was sixty-five (65%) of a member’s basic average salary and also in determining the amount of retirement benefit payable to a member retiring after the maximum of seventy percent (70%) of the basic average salary is established by this Condition 2.

“In computing the amount of benefits under the foregoing formula, the Board may disregard a fractional part of a year of paid membership time or unpaid membership time less than one-twelfth (1/12th) of a year.

“If a member shall have completed at least thirty (30) years service, ten (10) of which shall be paid membership time, but shall have not attained his sixtieth (60th) birthday on or before his date of retirement, he shall receive a monthly pension payable for the remainder of his life to be determined by multiplying the monthly benefits determined in accordance with the formula set forth above by the percentage factor shown in the following schedule corresponding to the age of such member on his last birthday preceding date of his retirement.

| Age of Member on last<br>Birthday Preceding<br>Retirement | Reduced Pension on Account of Retirement<br>Before Age 60 Expressed as a<br>Percentage of the Pension Which<br>Have Been Payable at Date of Retirement<br>if the Member were Then Age 60 |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 59                                                        | 93%                                                                                                                                                                                      |
| 58                                                        | 87%                                                                                                                                                                                      |
| 57                                                        | 82%                                                                                                                                                                                      |
| 56                                                        | 77%                                                                                                                                                                                      |
| 55                                                        | 72%                                                                                                                                                                                      |
| 54                                                        | 68%                                                                                                                                                                                      |
| 53                                                        | 64%                                                                                                                                                                                      |
| 52                                                        | 60%                                                                                                                                                                                      |
| 51                                                        | 57%                                                                                                                                                                                      |
| 50                                                        | 54%                                                                                                                                                                                      |

49  
48

51%  
48%

“Subsection B of Section 10. This subsection B shall become effective on the date whereon it is enacted into law.

“If a member shall have completed at least thirty (30) years service, twenty (20) years of which are paid membership time in the service of the County, and shall have attained his fifty-fifth ((55th) birthday, he shall be entitled to retire and receive a monthly pension in the amount specified below for the remainder of his life. The amount of such member’s pension shall be determined by the same formula as is prescribed in (b) of subsection A, above, of this Section 10 for determining the amount of the pension payable to a member who having attained the age of sixty (60) years retires with not less than ten (10) years paid membership time; and such member’s pension shall not be reduced on account of his being less than sixty (60) years of age when he retires. This subsection B shall not apply to any member granted a retirement benefit before the effective date of said subsection B.

“Subsection C of Section 10. Deferred Retirement Benefit. As used in this Subsection C, these terms have the following meanings: ‘subsection C’ means this subsection C of Section 10; ‘the deferred retirement benefit’ means the benefit which may accrue in a member’s favor under subsection C; ‘paid membership time in the county service’ means paid membership time based on service with the county and not including municipal service; and ‘the normal retirement benefit’ means benefit payable to a member retiring on his sixtieth (60th) birthday having at least ten (10) years paid membership time, which benefit is based on all of his paid and unpaid membership time. A deferred retirement benefit, in the amount below provided, shall accrue in favor of any member who accumulates as much as ten (10) years paid membership time in the county service and who upon separation from the service would have been entitled to receive the normal retirement benefit had he been sixty (60) years of age when separated from the service; provided, however, that no deferred retirement benefit shall be paid to a member who withdraws his contributions to the pension fund. A member may at any time before payment of his deferred retirement benefit commences withdraw in full his said contributions, without interest, less one-half (1/2) of disability benefits paid to him. If a member dies before or after payment of his deferred retirement benefit commences, the return of his contributions to the pension fund shall be governed by Section 14 of this Act.

“The deferred retirement benefit shall be in the following



amount: for any member having not more than ten (10) years paid membership time in the county service, fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated; and for any member having more than ten (10) years paid membership time in the county service, the sum of the following: fifty percent (50%) of the normal retirement benefit which would have been payable to him had he been sixty (60) years of age when his service terminated plus ten percent (10%) of such normal retirement benefit for each year not exceeding five (5) years of paid membership time in the county service in excess of ten (10) years of paid membership time in the county service.

“Payment of such deferred retirement benefit shall commence on that date whereon such member reaches the age of sixty (60) years and shall continue for the life of the member.

“A member entitled to a deferred benefit under subsection C shall be entitled to the joint and survivorship pension option provided for under Section 11 of this Act.

“This subsection C shall not apply retroactively so as to grant a deferred retirement benefit to any former member of the system.”

**Section 2.** This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved April 24, 1978

Time: 2:00 P.M.

Act No. 474            H. 819—Waggoner, White, Falkenburg, Moore  
                               (O), Andrews, Trammell, Jolly,  
                               Armstrong, Boles, Hall, Leonard

AN ACT

To further amend Section 12 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** It is hereby provided that subsection (a) of Section 12 of Act 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is further amended so as to read as follows:

“(a) Non-Service Connected. Part (1) of subsection (a) of Section 12. Any member who, after having accumulated five (5) years paid membership time, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula as provided under Section 10, above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability; provided, however, that the minimum monthly disability benefit payable under this Part (1) of subsection (a) of Section 12 shall be thirty percent (30%) of the salary the disabled employee was receiving when he became disabled. The provisions of this Part (1) of subsection (a) of Section 12 shall apply to any member who is granted the non-service connected disability benefit in the amount provided for in this Part (1) prior to the adoption of Part (2) of said subsection (a) next following. After Part (2), next following, is adopted, no member shall be granted a non-service connected disability benefit under this Part (1) of subsection (a) of Section 12.

“Part (2) of subsection (a) of Section 12. After the adoption of this Part (2) of subsection (a) of Section 12, any member who, after having accumulated ten (10) years paid membership time, shall become so disabled, either mentally or physically, for any cause except as hereinafter provided, that in the opinion of the Board and the Medical Advisor he is incapacitated for further performance of his duties, shall during the continuance of such disability be entitled to receive monthly disability benefits to be determined by the formula set forth in (b) of subsection A of Section 10, above, such formula to be applied as though the disabled employee were entitled to retirement for superannuation at the commencement of the disability.

“Part (3) of subsection (a) of Section 12. No disability allowance shall be made hereunder if a venereal disease or the use of intoxicating liquor or narcotic drugs, or willful misconduct of the disabled person be the cause of, or substantially contribute to, the disability or if the cause of disability be voluntarily and willfully brought about by the disabled person.”

**Section 2.** This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved April 24, 1978

Time: 2:00 P.M.

Act No. 475

H. 894—Leonard, Trammell, Moore (O),  
Falkenburg, White, Waggoner, Jolly,  
Hall, Hopping, Howard

## AN ACT

To further amend Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a retirement system for employees and officers of Jefferson County, Alabama, as heretofore amended.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Subsection (k) of Section 1 of Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965, (Ala. Acts, 1965, p. 717 et seq.), as heretofore amended, is hereby amended so as to read as follows:

“(k) Division (1) of subsection (k). This Division (1) shall apply generally until Division (2) of subsection (k), next following, becomes effective. After said Division (2) becomes effective Division (1) shall not apply except in determining the amount of a pension or benefit which was granted before the adoption of Division 2 of this subsection (k). Subject to the limitations and conditions specified in Division (3) of this subsection (k), the term ‘basic average salary’ means the average of the monthly salary paid to the member by the County over that period of sixty (60) consecutive months of his paid membership time during which his average monthly salary was higher than any other period of sixty (60) consecutive months of his paid membership time.

“Division (2) of subsection (k). This Division (2) shall become effective on the date whereon said Division (2) is enacted into law. Subject to the limitations and conditions specified in Division (3), below, of this subsection (k), the term ‘basic average salary’ means the average of the monthly salary paid to the member by the County over that period of thirty-six (36) consecutive months of paid membership time during which his average monthly salary was higher than any other period of thirty-six (36) consecutive months of his paid membership time. This Division (2) shall not apply in determining the amount of a pension or benefit which was granted before the adoption of Division (2) of this subsection (k).

“Division (3) of subsection (k). In determining a member’s basic average salary, only the part of his average salary which was, or shall be, subject to deductions for pension purposes under the provisions of Section 9 of this Act shall be considered; provided, however, that if a member elects under the provisions of Section 9 to make the eight hundred dollar proviso apply retroactively to any period of his service, then for the purpose of determining his basic average salary he shall be deemed to have received during that

period to which his said election retroactively applies all salary actually paid him not exceeding salary at the rate of eight hundred dollars (\$800.00) per month. The salary received by a member during his unpaid membership time shall be considered in determining his basic average salary only to the extent that his unpaid membership time has been converted into paid membership time under the provisions of Section 9 of this Act. Separate periods of paid membership time may be tacked and considered as consecutive within the meaning of this subsection (k) if the member does not have in his favor any paid membership time between the periods so tacked."

**Section 2.** This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

Approved April 24, 1978

Time: 2:00 P.M.

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Act No. 476

S. 346—St. John

### AN ACT

Relating to Cullman County; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in such county, heretofore transferred to it, and revesting such functions in the Cullman County governing body; providing for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the county governing body; providing for the payment of salaries of certain county employees; providing that this act shall become effective only upon approval at a referendum election.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this act shall become operative only if approved by a majority of the electors of Cullman County as hereinafter provided voting in a referendum which shall be held on the date of the first state-wide election held after adjournment of the 1978 Regular Session of the legislature for the purpose of voting on amendments to the Constitution. The governing body of Cullman County shall order and provide for the holding of the referendum on such date, and for canvassing the results thereof. On the ballot to be used at the election the questions shall be stated substantially as follows: "Do you favor having the county commission or like governing body of Cullman County exercising jurisdiction over the construction, repair and maintenance of county roads and bridges instead of the state highway department? Yes ( ) No. ( )." If a

majority of the votes cast at the election are "Yes," the provisions of this act shall become effective on January 15, 1979 of the year following the election. If a majority are "No," this act shall have no further force and effect. The result of the election shall be certified to the Secretary of State and to the State Highway Director within ten days.

**Section 2.** The Cullman County commission or like governing body of Cullman County shall be solely responsible for the construction, repair and maintenance of the roads and bridges in the county; but all such construction, repair and maintenance shall be done on the basis of the county as a unit, without regard to district or quadrant lines, and under the supervision of an engineer or other qualified road supervisor. The county governing body shall have all the powers and jurisdiction with respect to county roads and bridges which are or which hereafter may be vested in or required of county governing bodies by the general laws of this state, or vested in or required of the governing body of Cullman County by local law; and except as may be otherwise provided herein members of the county governing body of Cullman County shall perform all the duties and services and shall exercise all the powers and authority with respect to the construction, repair and maintenance of county roads and bridges which are or hereafter may be provided by law for members of county governing bodies.

**Section 3.** Any unexpended monies remaining in the fund required by law to be maintained by the state highway department for use in the construction, repair and maintenance of county roads and bridges in Cullman County shall be paid over to the county governing body of Cullman County except as otherwise provided by this Act. Thereafter, all funds and monies designated by law for use in the construction, repair and maintenance of county roads and bridges in Cullman County to which Cullman County may be entitled, whether from the proceeds of the state gasoline tax, the motor vehicle license tax, or other state tax, or any federal aid accruals, or from any other source whatsoever, shall be paid to the county governing body of Cullman County by the appropriate county or state official.

**Section 4.** The state highway department shall transfer and turn over to the governing body of Cullman County road equipment, machinery and supplies of like kind and equal in value to the road equipment, machinery and supplies which Cullman County was required to transfer and turn over to the state highway department in accordance with legislation enacted prior to the adoption of this Act, which legislation required the state highway department to construct, repair and maintain roads and bridges in Cullman County.

**Section 5.** All persons employed by the state highway department in the construction, repair and maintenance of county roads and bridges in Cullman County, upon adoption of this Act shall cease to be employees of the state highway department, shall no longer be subject to the state merit system law, and shall continue to be employed by the county in the construction, repair and maintenance of county roads and bridges in the county, subject to approval of the county governing body.

**Section 6.** Any contract for the construction, repair or maintenance of county roads and bridges in Cullman County entered into by the state highway department prior to the adoption of this Act shall remain in full force and effect until the returns thereof shall have been complied with.

**Section 7.** All outstanding financial obligations which were incurred prior to the adoption of this Act for the construction, repair, or maintenance of county roads and bridges in Cullman County, shall, upon adoption of this Act, become outstanding financial obligations of Cullman County, and shall be retired or paid in accordance with the terms under which such indebtedness was incurred.

**Section 8.** The Cullman County governing body shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications specified for county engineers under the general laws of the State of Alabama; and such engineer shall devote his entire time and attention to the maintenance and construction of the Cullman County public roads, highways, bridges, and ferries, and he shall, during his employment, reside in Cullman County, Alabama.

**Section 9.** The county engineer shall be appointed by the county governing body from a nomination made by the state highway director. If a nomination is not acceptable to the county governing body the state highway director shall be requested to make additional nominations. Should the state highway director refuse or fail to make nominations, the Cullman County governing body may fill the position of county engineer with any person who has the qualifications herein set out.

**Section 10.** It shall be duty of the county engineer: (1) To employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Cullman County; and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying services as may be required, and to repair and maintain the necessary maps and records; (3) to maintain the necessary

accounting records to reflect the cost of the county highway system; (4) to build, or construct any roads, or change old roads, but only when ordered to do so by proper order of the Cullman County governing body; (5) it shall be his further duty, insofar as it is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district, quadrant or beat lines.

**Section 11.** The county engineer is hereby designated as the person authorized to make written requisitions upon the county governing body of Cullman County or its duly designated purchasing agent for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Cullman County.

**Section 12.** It shall be the duty of the Cullman County governing body to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges and ferries and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistance. Provided, however, that should the county governing body of Cullman County refuse or fail to fix said scale of wages or salaries, the engineer shall request the state highway director to fix the same, and the wages or salaries so fixed by the state highway director shall not be exceeded in the employment of labor and assistance.

**Section 13.** The Cullman County governing body shall fix the amount of the salary of the county engineer, payable in equal monthly installments from the road and highway funds of Cullman County.

**Section 14.** Before entering upon his duties the Cullman County engineer shall make and enter into a surety bond in the amount of five thousand dollars (\$5,000.00) payable to Cullman County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of the county, which may come into his possession or custody. The bond shall be executed by a surety company authorized and qualified to do business in Alabama, and shall be approved by the chairman of the Cullman County governing body. The premiums on the bonds shall be paid by the county.

**Section 15.** The Cullman County governing body shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with

his duties under this Act.

**Section 16.** The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Cullman County; and he shall be accountable for the same, at all times. The Cullman County governing body shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Cullman County.

**Section 17.** The authority of the county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repair of public roads, bridges, and ferries of Cullman County as may be set aside and appropriated by the county governing body, as hereinafter provided. It shall also be the duty of the county governing body at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Cullman County for the current fiscal year, beginning on October 1, which said amount, other than the salary of the county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Cullman County during said period. The county governing body, however, is authorized from time to time within such period to increase the amount so allowed to be expended by the county engineer during the period, when such authorization will not conflict with provisions of the general law under the Budget Act, Title 12, Section 74 of the Code of Alabama 1940, and provided, further that if such funds are presently available, and have not heretofore been set aside by the highway department or by the present county commission of Cullman County, immediately upon the effective date of this Act, it shall be the duty of the county governing body to set aside a sufficient portion of said funds for the maintenance of said roads, bridges and ferries until after the first meeting in October of the year following approval of this act at a referendum election as hereinabove provided for.

**Section 18.** The county engineer shall make written requisitions to the chairman of the county governing body for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance and repair of the public roads, bridges and ferries of Cullman County. Said requisitions shall be filed and presented to the chairman of the county governing body at



its next meeting for the approval of the governing body. Provided, however, that the chairman shall have full power and authority to make purchases without first obtaining the approval of the whole commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

**Section 19.** It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies purchased by Cullman County for use on public roads, bridges and ferries, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

**Section 20.** In the event an emergency should arise, in which it would be impossible for the Cullman County governing body to employ an engineer, as hereinabove provided for, then, in that event, the county governing body shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this Act; but an emergency shall not exist so long as the state highway director can nominate an engineer who would accept employment by the governing body of Cullman County under the terms of this Act, it being the intention of this Act to provide that when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or a road supervisor, who is not a member of the county governing body.

**Section 21.** Nothing herein shall preclude the Cullman County governing body from entering into contracts with private individuals or entities pursuant to Alabama bid law for the repair, maintenance and construction of roads and bridges in Cullman County, and said governing body is hereby empowered to so contract if in its judgment such action would be in the best interests of the County.

**Section 22.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 23.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 24.** Substantive provisions of this act shall become effective as provided in Section 1 hereof; however, the provisions of this act authorizing the calling of the referendum and providing therefor shall become effective immediately upon this act becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 477

S. 579—Bank

### AN ACT

Relating to the expenses of the members of the Pickens County Board of Education.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the Pickens County Board of Education shall be paid at the rate of fifty dollars (50.00) for each official board meeting attended; provided, however, that the Board shall not meet, nor shall the members receive pay, for more than thirty (30) official board meetings during any calendar year. The Board and its members shall be allowed traveling expenses in the amount of twelve cents (12) per mile, and reimbursement for travel to and from official meetings of the Board.

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 478

S. 605—Noonan

### AN ACT

To apply in Mobile County, Alabama, and to authorize the County Board of Health in such county to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value; to match or supplement such property or use same for matching purposes in carrying out and funding its activities; to further authorize such Board of Health to utilize its funds to purchase, lease or hold any real or personal property needed in carrying out its functions, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board of Health in carrying out its functions in the field of public health.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall apply in Mobile County, Alabama. In addition to any other express or implied authorization previously granted by law, the Mobile County Board of Health in such county is hereby authorized to solicit, receive, hold, use and dispose of, by sale or otherwise, any gifts, devises, bequests of money, real estate, personalty or other things of value, and to match or supplement such real, personal or mixed property or utilize such property for matching purposes in carrying out and funding the Board of Health's activities. The Mobile County Board of Health is further authorized to purchase, lease or hold any real or personal property needed in carrying out the functions of said Board, to control such property belonging to the Board of Health, and to lease, sell, convey or exchange any real or personal property, or portions thereof, no longer needed or utilized by the Board in carrying out its functions in the field of public health.

**Section 2.** The provisions of this Act are severable and if any section, sub-section, paragraph, sentence, phrase or clause shall be held invalid by a court of competent jurisdiction such invalidity shall not affect the remaining portions of this Act.

**Section 3.** The provisions of this Act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

**Section 4.** This Act shall take effect immediately upon its approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 479

S. 618—Perloff

### AN ACT

To authorize the county commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary for each county commissioner, to provide for the appointment of such secretary, to provide for the salary of each secretary, and the method of payment of such secretary.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The County Commission or other like governing body of any county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the most recent federal decennial census may appoint a qualified person to serve as the

secretary for each county commissioner, provided that each county commissioner shall have no more than one such secretary, and each secretary shall only be appointed by each county commissioner. Each secretary shall serve at the pleasure of the county commission and it shall be at the discretion of the county commission as to whether each such secretary shall be included in any civil service system or merit system which may exist in any such county, provided that the salary of each such secretary shall not be less than the salary paid for a comparable position under any such civil service or merit system. The salary shall be payable in equal monthly installments upon warrants drawn in the same manner prescribed for payment of compensation of county employees.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 480

S. 623—Waldrop

### AN ACT

Relating to the City of Gadsden; providing further for the selection of candidates for membership on the board of commissioners by prescribing the dates, term of office and conduct of holding primary, run-off, and general elections to such offices.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each member of the Board of Commissioners of the City of Gadsden shall be a qualified elector residing within the corporate limits of such city and shall be elected at large within the city. The general election laws of Alabama shall govern the conduct of such elections except as otherwise provided herein. The present board of commissioners shall continue in office until their successors in office are elected and qualified as hereinafter provided. At the general election in 1978 and each four years thereafter a chairman and two associate commissioners shall be elected as herein provided. Their terms shall expire on the first Tuesday after the first Monday in November, 1978 and each four years thereafter. In all primary and general elections held for the purpose of nominating or electing members of the board of commissioners of said city, each of such positions to be filled shall be designated, the associate commissioners being designated as

associate commissioner numbers one and two respectively, and the designation shall appear on the ballots of such elections. Each candidate for nomination or election as a member of the board of commissioners of such city shall designate in the declaration or announcement of his candidacy the position for which he seeks nomination or election and his name shall appear on the ballots of such election accordingly. Any petition to nominate a candidate shall designate the position for which such candidate seeks nomination and election, and shall be signed by the same percentage of qualified electors of the city as is required in such nominations to state and county offices. Any primary and/or run-off election held by any political party for the purpose of nominating a candidate shall be held on the same day as any county or the state primary and/or run-off election held in that election year. The general election for said city offices shall be held on the same day as any county or state general election held in that election year.

**Section 2.** At every primary election each voter shall vote for only one candidate for each designated office and the candidate receiving the highest number of votes for such office shall be nominated, provided he receives a majority of all votes cast for such office. In a primary election in case no one of such candidates shall receive a majority of all such votes cast for the office for which he is a candidate, a run-off election shall be held on the third Tuesday next thereafter following said primary election for said officer at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such election shall be declared nominated. The candidate receiving the highest number of votes at the general election shall be declared elected. Candidates declared elected shall qualify and take oath of office on the day herein prescribed and each shall hold such office for a term of four years and until his successor shall have been elected and qualified as provided herein. The terms of the incumbent commissioners shall be extended as necessary to prevent vacancies in such offices. A vacancy in any office of any such board shall be filled until the next general election by the remaining members thereof, at which time the unexpired terms shall be filled by election by the qualified electors residing within the corporate limits of said city.

**Section 3.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 481

S. 624—Waldrop

### AN ACT

Relating to certain incorporated municipalities within Etowah County; providing further for the term of office, dates, and for the holding of certain elections in all incorporated municipalities within said county except the city of Gadsden.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this act shall be applicable in all incorporated municipalities within Etowah County except the city of Gadsden.

**Section 2.** If the governing body of such municipalities so elects, all primary and general elections held for the purpose of selecting municipal officials shall be held at the same time as the state primary and general elections are held and the conduct of such elections shall be governed by the general election laws of Alabama except as otherwise provided by the governing bodies of such municipalities.

**Section 3.** If the governing body of such municipalities so elects to come under the provisions of this act, the present municipal officials shall continue in office until their successors in office are elected and qualified as herein or otherwise provided. At the general election in 1980 and each four years thereafter municipal officials shall be elected as herein or otherwise provided. Their terms shall expire on the first Tuesday after the first Monday in November, 1980 and each four years thereafter. The terms of the incumbent municipal officials shall be extended as necessary to prevent vacancies in such offices.

**Section 4.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** This act shall become effective immediately upon

its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 482

S. 703—Teague

### AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the City of Pell City, St. Clair County, Alabama, so as to annex certain territory to the city.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundaries and corporate limits of the city of Pell City, St. Clair County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

The Southeast Quarter of the Southeast Quarter of Section 32, Township 16S, Range 4 East and that part of the Southwest Quarter of the Southwest Quarter of Section 33, Township 16 South, Range 4 East lying West of Fishing Creek.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor.

This Act became a law under Section 125 of the Constitution on April 25 1978 without approval by the Governor.

Act No. 483

H. 494—Hill, Greer, Coburn

### AN ACT

Relating to Lauderdale County; to further implement Section 9 of Act Number 160, 1971, and provide the Lauderdale County Commission the authority to employ appraisers, mappers, and clerical personnel to maintain current evaluation of all real property and valuation of personal property.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Lauderdale County Commission may employ sufficient appraisers, mappers, and clerical personnel to maintain

appraisal and mapping of all real property and valuation of personal property within the county; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

**Section 2.** The Tax Assessor shall prescribe the functions, duty and responsibility of these personnel to insure all property is properly appraised, mapped and valued in accordance with existing laws; provided, however, that this requirement shall not apply to property which is required by law to be assessed by the department of revenue or which would be required to be so assessed if such property were not exempt from ad valorem taxation.

**Section 3.** The Tax Collector shall collect the cost of this appraisal and mapping program which will be borne by each tax agency and funds receiving ad valorem tax revenues based on its pro rata share of the total funds received.

**Section 4.** The provisions of this act are severable. If any part of this act is declared to be invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This law shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 484

H. 589—Starkey

### AN ACT

Relating to Jackson County, Alabama and providing for semi-annual publication by the Jackson County Commission of a report showing the receipts and expenditures for said County, together with the indebtedness thereof; providing for the payment of the cost of such publications; repealing conflicting laws; and providing penalties for violating the provisions of said Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Jackson County Commission shall make a semi-annual publication in a newspaper published in Jackson County, Alabama, of general circulation in said County of an itemized report, showing the receipts and expenditures of money for the County, specifying particularly the sources from which received, and the purposes for which expended. Said publication



must also show the indebtedness of the County. The report shall be published one time during the month of April and one time during the month of October each year. It shall not be necessary that each item of receipt or expenditure be listed individually, but such report shall be detailed sufficiently to reasonably reflect the source of income, purpose of expenditure, and to whom made, together with the amount, due date, interest rate, and security of any notes, bonds, warrants, or other debts. Any debt in an amount of \$2,000.00 or less, which is payable within six months, need not be listed.

**Section 2.** The cost of publications shall be governed by and shall not exceed that prescribed by Title 7, Section 118 and Section 118(2) of the Code of Alabama, as last amended.

**Section 3.** The penalties set out in sections 11-3-22 and 11-3-23 Code of Alabama 1975 shall apply for failure to comply with the provisions of this act.

**Section 4.** All laws, or parts of laws, either local or general, in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5.** Should any part of this Act be declared invalid, such declaration of invalidity shall not affect the part remaining.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 485                      H. 621—Holmes (D), Merrill, Shelton, Quarles  
AN ACT

Relating to Calhoun County; to provide that certain homebaked or homemade goods shall not be subject to the regulations of any state or county health department.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Calhoun County nothing in Section 22-20-5 of the Code of Alabama 1975, or in any rule or regulation promulgated thereunder, shall be interpreted to prevent any individual person, who sells solely at a farmer's market or farmer's curb market, or any church, religious organizational group, or any civic group or organization from selling homebaked or homemade goods without obtaining any permit or license from or being subject to the rules or

regulations of the health department of this state or any county or municipality thereof, so long as such goods carry a label or tag with the following words written or printed thereon: "Homebaked Goods-Not inspected by the Health Department" or "Homemade Goods-Not inspected by the Health Department."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 486

H. 702—Lutz

### AN ACT

To authorize the governing body of Madison County, Alabama, to establish fire districts or a fire department for Madison County; to authorize the adoption of a fire code for Madison County; to authorize the levy of a fire tax and to otherwise authorize fire protection measures within Madison County; and to provide that this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of this Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Madison County Commission or other like governing body of Madison County, Alabama, (hereinafter referred to as the **governing body**) is hereby authorized to establish fire districts within the geographical boundaries of Madison County, said districts to exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this Act. The geographical boundary of fire districts shall be within the sole discretion of the county governing body. Should, at any time, the county governing body deem it advisable it may establish, in lieu of or in addition to said fire districts, a county fire department, which department will furnish county-wide fire protection.

**Section 2.** The governing body may name a fire marshal for Madison County whose principal duty, along with others which shall be assigned by the governing body, shall be to coordinate fire protection within Madison County which shall include coordinating all fire departments, fire stations, full-time or part-time employees of any fire department, either district or county-wide, and he shall also, upon request of the county governing body, submit a budget for the county fire department upon request of said governing body.

**Section 3.** The governing body is hereby authorized to fix a county fire protection tax, which tax shall become effective upon the approval of a majority of electors within any particular fire district or other area of the county where the tax is to be levied.

The tax fixed by the governing body shall be based upon the assessed value of the improvements on the effected real estate as shown by the records of the Tax Assessor of Madison County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area.

**Section 4.** The county governing body is hereby authorized upon approval by resolution adopted by said governing body to adopt, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion in the county, which shall be known as the Madison County Fire Protection Code. Such regulations shall have the force and effect of law and violators thereof shall be guilty of a misdemeanor and punished according to law and said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this Act.

**Section 5.** The county governing body is hereby authorized to and may employ or authorize employment of a fire marshal, fire inspectors, firemen, secretarial and clerical employees and any other employees which it shall deem necessary to carry out the provisions of this Act and it is further authorized to make such expenditures for equipment, property (whether real, personal or mixed) or any other things that it deems necessary, in its sole discretion, to carry out the provisions of this Act.

**Section 6.** The provisions of this Act are severable, and should any part of this Act be declared unconstitutional or void, such declaration shall not affect the remaining provisions.

**Section 7.** It is hereby provided that all laws or parts of laws, general, local or special, which conflict with this Act are hereby repealed.

**Section 8.** Section 3 of this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama which authorizes the provisions of that section. The other provisions of this Act shall become effective upon the passage of this Act, and its approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 487

H. 704—Lutz

## AN ACT

Pertaining to Madison County; to repeal Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act Number 608, H. 1685, Regular Session 1973 (Acts p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts p. 1045) is hereby repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 488

H. 706—Lutz

## AN ACT

Pertaining to Madison County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person so released who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons so released to the county of a portion of their net earnings and for the utilization of the funds derived therefrom; to provide for the Madison County Work Release and Pre-Trial Release Fund; to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to prohibit certain activities by persons engaged in the business of undertaking to act as surety on bail bonds in Madison County and to provide that certain acts by such persons shall constitute the crime of bribery; to prohibit any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or persons otherwise having the authority to arrest or hold another person in custody from committing certain acts with respect to bail bond companies and providing that the same shall constitute the crime of bribery; to create a body to be known as the Madison County Work Release and Pre-Trial Release Commission; to provide for the membership of said Commission and for its power and duties; to provide for the transfer of certain funds now held for the account of certain pre-trial release and work release programs in Madison County; and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person who has been committed to the County Jail or to any City Jail in Madison County under a criminal sentence

may be released therefrom at the sentencing Court, either on its own Motion or upon the Motion of the defendant, at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for such other purpose as the Court may deem conducive to his rehabilitation, for such time or intervals of time and under such terms and conditions as the Court may order. Any part of a day spent outside of jail under such a release order shall be counted as full day toward the serving of the sentence unless otherwise provided by the Court. If a person violates the terms and conditions laid down for his conduct, custody and employment, he shall be returned to the sentencing Court. The Court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reductions of his term.

**Section 2.** Any person who has been sentenced to the Madison County jail or any city jail within Madison County and who has been ordered released under the provisions of Section 1 hereof, may at the time of sentence or at any time while any part thereof remains unserved, be required by the sentencing court to report to the jail to which he has been sentenced to be incarcerated during weekends or at such times or intervals of time as the court may direct. Time so spent in said jail shall be deducted from the term of the sentence. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days confinement exceed the number of days in the original sentence.

**Section 3.** Any person released under Section 1 of this Act, or ordered confined under Section 2, who wilfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

**Section 4.** For the purposes of this Act, the term "net income" shall be defined as total salaries, wages and other compensation received by a person committed to a jail in Madison County for work performed while such person is released pursuant to this Act, less all sums withheld for federal income tax, state income tax, taxes paid by an employee under the so-called Federal Insurance Contributions Act, group insurance, and union dues. Any person released from jail pursuant to this Act shall pay to the County a sum equal to twenty percent (20%) of his or her net earnings earned while so released; provided, however, that no person so released shall be required to pay more than One Hundred Dollars (\$100.00) to the Court in any one calendar month under the provisions of this Act. The Court having jurisdiction of the case, as a condition to releasing a prisoner pursuant to the terms of this Act, may require that the said prisoner establish a payroll deduction for the payment

of any sums due hereunder. All sums so collected, whether by payroll deduction or otherwise, shall be paid over to and collected by the Madison County Commission and deposited to a separate fund to be known as the Madison County Work Release and Pre-Trial Release Fund.

**Section 5.** In any case in which the Court having jurisdiction of the case determines that the collection and payment of the sums provided for in Section 4 of this Act will impose a definite and significant financial hardship on the dependents of the prisoner involved, the Court, may in its discretion, waive the collection and payment of the same, but in making such determination the Court shall consider that the purpose of this Act is to not only promote the rehabilitation of offenders but, insofar as possible, to make the implementation of this Act self-supporting.

**Section 6.** All sums collected under the provisions of this Act shall be expended for the implementation of this Act, including but not limited to, paying salaries and other expenses involved in making investigations and studies necessary to determine whether or not particular prisoners will be granted the benefits of this Act, administration required to carry out the provisions of this Act, transportation of prisoners to and from their places of employment, matching any Federal and State grants which may be available in relation to the purposes of this Act and investigation and screening of prisoners subject to this Act. If, at the end of any calendar year, there remains a surplus in the fund established in Section 4 hereof, said surplus shall be paid over to the general fund of Madison County, provided the presiding Judge of the 23rd Judicial Circuit shall certify in writing to the Probate Judge of Madison County that in the judgment of said presiding judge such surplus, or any portion thereof, is in excess of an amount necessary to carry out the provisions of this Act.

**Section 7. Legislative Intent.** It is the intent of the legislature that the provisions of this act pertaining to pre-trial release shall be a guide to judicial officers in Madison County, as defined herein, to insure that no person be needlessly detained in said county because of his personal economic circumstances so long as his release shall not be contrary to the public interest and also shall serve the purpose of assuring the defendant's presence at the trial. It is not the intent of the legislature that this act be so liberally construed as to allow the indiscriminate release of accused person.

**Section 8. Definitions.** As used in this act, the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in the Twenty-Third Judicial Circuit, any probate judge in Madison County, any district court judge or

judge of any other court created in lieu thereof, or equivalent thereof in Madison County, and any municipal judge in Madison County.

**Section 9.** (a) Any person in Madison County charged with an offense, may, at his appearance before a judicial officer, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the judicial officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required. When such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release which will reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) place the person in the custody of a designated person agreeing to supervise him;

(2) place restrictions on the travel, association, or place of abode of the person during the period of release;

(3) require the execution of an appearance bond in specified amount and the deposit with the clerk of the court, in cash or other security as directed, of a sum not to exceed 10 per cent of the amount of the bond, 80 per cent of such deposit to be returned upon the performance of the conditions of release;

(4) require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof; or

(5) impose any additional condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure the appearance of a person as required, the judicial officer shall, on the basis of available information as presented by the state of its representative, or the defendant, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against the person, his family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. The judicial officer shall, in making such factual determinations, bear in mind that this act has two purposes, one of which is to assure the presence of the defendant at trial and the

other of which is to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, or pending appeal, when detention serves neither the ends of justice nor the public interest.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation, and shall warn such person of the penalties provided in Section 4.

(d) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release.

(e) If it is determined that custody or detention pursuant to Section 3 (a) (5) is required, all time spent in custody or detention shall count as part of any sentence to hard labor for the county or confinement in the county jail subsequently received by the person detained as a result of the charge or charges for which he was arrested and detained.

(f) The judicial officer shall determine the conditions of release as herein provided when the defendant is brought before him for preliminary examination or at such time as the judicial officer may direct.

(g) Any other provisions hereof to the contrary notwithstanding, no warrant magistrate or assistant warrant magistrate shall have the authority to order that any person be released hereunder where that person is accused of a capital crime or of a crime where the defendant, if convicted, could receive a sentence of more than twenty years in prison.

(h) The sheriff of Madison County shall cause to be prominently posted in the area of the Madison County Jail where accused persons are usually booked, a sign in large letters which shall state as follows:

**NOTICE: YOU MAY BE ELIGIBLE FOR RELEASE WITHOUT POSTING A BAIL BOND. INQUIRE OF THE JAILER AS TO HOW TO APPLY FOR SUCH RELEASE.**

(i) All sums collected under this Section 10 of this Act shall be paid into the Madison County Work Release and Pre-Trial Release Fund established pursuant to Section 4 hereof.

**Section 10** (a) Whoever, having been released pursuant to this Act, willfully fails to appear before any court or judicial officer



as required, shall incur a forfeiture of any security which was given or was pledged for his release, and, in addition shall be guilty of a Class B misdemeanor. Such a person convicted of such misdemeanor shall be punished as provided for in the Alabama Criminal Code, or other applicable law.

(b) Failure to appear after notice of the appearance date shall be prima facie evidence that the failure to appear was willful. Whether the person was warned when released of the penalties for failure to appear, shall be a factor in determining whether the failure to appear was willful. The district attorney or any assistant district attorney, or any other person responsible for administering this Act, shall initiate prosecution for violation of this provision by making affidavit for a warrant to be issued by any officer authorized to issue warrants. The person who failed to appear shall be arrested and shall be brought before a judicial officer in the county in the same way other misdemeanor prosecutions proceed.

(c) A defendant may be convicted under this section, even if he has not received actual notice of the appearance date, if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

Section 11 (a) A person who has been conditionally released pursuant to Section 9 hereof and who has violated a condition of release, shall be subject to revocation of release and, in addition, may be prosecuted for contempt of court.

(b) Proceedings for revocation of release may be initiated upon notice by the warrant magistrate, assistant warrant magistrate, or any person responsible for administering the provisions of this Act, to the district attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by an officer authorized to issue warrants, on the affidavit of the district attorney or any assistant district attorney, or on the affidavit of any person responsible for administering this Act. The person arrested under such a warrant shall be brought before a judicial officer in the county. No order of revocation shall be entered unless, after hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his release due to inattention, negligence, or by act of will.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is established that the person violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person found guilty of contempt for

violation of a condition of release shall be imprisoned for not more than six months, or fined not more than \$1,000.00, or both.

**Section 12.** (a) A person who has been conditionally released pursuant to Section 9 hereof and as to whom there is probable cause to believe he has committed a felony or misdemeanor while released, shall be subject to revocation of release.

(b) Proceedings for revocation of release for the ground in this provision, may be initiated by any person responsible for administering this Act giving notice to the district attorney. After the district attorney has received such notice, a warrant for the arrest of a person who is charged with violating the conditions of release under this Section 12, may be issued by any officer authorized to issue warrants, on the affidavit of the district attorney or any assistant district attorney, or on the affidavit of any person responsible for administering this Act. The person arrested under such a warrant shall be brought before a judicial officer in the county. No order of revocation shall be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a state or federal magistrate, judge, or judicial officer or grand jury has found probable cause to believe that the person has committed a felony or misdemeanor and (2) such felony or misdemeanor was committed while the person was released under this Act on the prior charge.

**Section 13.** Any person engaged in the business of undertaking to act as surety on bail bonds in Madison County, or any servant, agent or employee of any person, firm or corporation engaged in the business of acting as surety on bail bonds in Madison County who shall pay a fee or rebate or give or promise to give anything of value including any stock or beneficial interest in a surety or bail bond company to a sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or to any public official or public employee in order to induce any such sheriff, policeman, peace officer, warrant magistrate, or other public official or employee to favor any person, firm or corporation in any activities related to the bail bond business, including, but not limited to, the approval or disapproval of bail bonds, and access to any jail where prisoners are housed, shall be guilty of bribery and shall be punished as prescribed by Code of Alabama 1975, Section 13-3-30.

**Section 14.** Any sheriff, deputy sheriff, policeman, peace officer, warrant magistrate, or any other person who has the power to arrest or to hold another person in custody, or any public official or employee, who receives a fee or rebate or receives or agrees to

receive anything of value, including any stock or a beneficial interest in a surety or bail bond company, from any person engaged in the bail bond business, or from any person, firm, or corporation engaged in the bail bond business or otherwise engaged in the business of undertaking to act as surety on bail bonds, with an understanding, expressed or implied, that his actions, decisions or judgment will be influenced thereby or that he will favor any person, firm or corporation in the approval or disapproval of bail bonds or in granting access to any jail where prisoners are kept, shall be guilty of accepting a bribe and shall be punished as prescribed by Code of Alabama 1975, Section 13-5-32.

**Section 15.** All forfeitures of cash or other security deposited with the clerk of any court, and all deposits otherwise retained pursuant to the provisions of this act shall be paid over to the Madison County Work Release and Pre-Trial Release Fund hereby created, to be used to and implement the provisions of the Act.

**Section 16.** (a) There is hereby created a body to be known as the Madison County Work Release and Pre-Trial Release Commission, hereinafter called "The Commission." Said Commission shall be composed of eight persons, including the following: the sheriff of Madison County, the District Attorney of the Twenty-third Judicial Circuit, a Circuit Judge from the Twenty-third Judicial Circuit to be appointed by the presiding judge of said circuit, a judge of the district court of Madison County to be appointed by the presiding district court judge in Madison County, a person appointed by the Madison County Commission, a person appointed by the City Council of the City of Huntsville, the Circuit Court Clerk of Madison County, and one Court Administrator of the Twenty-third Judicial Circuit.

(b) The commission shall have the duty to implement the provisions of this Act and to generally superintend all administrative functions pursuant hereto, subject, however, to the provisions of duly promulgated rules of court of the circuit and district judges of Madison County. The commission shall not, however, be empowered to direct any judicial officer in the exercise of his judicial functions. The commission shall, subject to any applicable laws pertaining to the employment and dismissal of county employees, have the power to employ and dismiss personnel employed to carry out the provisions of this Act, except judicial officers, and to direct and supervise such personnel.

(c) The commission shall make a continuing study of all activities conducted pursuant to this act and shall recommend to the legislature any changes which it deems to be appropriate in the law to carry out and facilitate the purposes of this Act.

(d) No agreement for the merger of the work release program provided for under Section 1 through 5 hereof with any similar program operated by the State of Alabama Department of Corrections or any other department, agency or bureau of the State of Alabama shall be effective without the approval of the Commission hereby created and, unless approved by such Commission, shall be of no force and effect.

(e) The Commission shall be empowered to issue subpoenas to compel the attendance of witnesses before the Commission.

(f) The Commission is hereby designated as the agency to apply for, receive and administer any grants of funds by the United States Government or any agency thereof, the State of Alabama or any agency thereof; or any private or quasi governmental foundation, corporation, firm, or agency. All funds received to the account of the commission shall be deposited to the fund established by Section 4 hereof, and shall be disbursed by the Madison County Commission upon vouchers submitted by the Commission.

(g) The Commission shall elect a chair person from among its membership and shall make its own rules for conducting its affairs. All meetings of the Commission shall be in the Madison County Court House and shall be held at the call of the duly elected chair person. The chair person shall be required to call a meeting of the Commission upon the request in writing of any three members of the Commission.

**Section 17.** Any funds which have been collected pursuant to Act Number 895, H. 159, Regular Session 1975 (Acts, p. 1753) and Act Number 608, H. 1685, Regular Session 1973 (Acts, p. 867) as amended by Act Number 435, H. 901, Regular Session 1975 (Acts, p. 1045) and which on the effective date of this act are unexpended shall be paid over to the fund established pursuant to Section 4 hereof. Any federal or state grants which, on the effective date of this act, have been approved for the purpose of aiding in the implementation of the aforesaid acts shall be transferred to the fund established pursuant to Section 4 hereof if legally permissible under the conditions of such grants, and if such is not legally permissible the proceeds of such grants shall be used under the direction of the Commission for the purpose of carrying out the provisions hereof. Provided, however, that nothing herein contained shall be construed to disqualify any grant which has heretofore been approved.

**Section 18.** Nothing in this act shall interfere with or prevent the exercise by any court of Alabama of its power to punish for contempt.

**Section 19.** The procedures prescribed in this act shall be cumulative and in addition to all other bail and release procedures provided by law.

**Section 20.** The provisions of this act are severable and if any part hereof is declared invalid or unconstitutional, such declaration shall not affect the remaining parts thereof.

**Section 21.** All laws or parts of laws which conflict with this act are repealed.

**Section 22.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 489

H. 707—Lutz

**AN ACT**

Pertaining to Madison County; to repeal Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act Number 895, H. 159, Regular Session 1975 (Acts p. 1753) is hereby repealed.

**Section 2.** This act shall be effective immediately upon its passage or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 490

H. 737—Riddick

**AN ACT**

To repeal Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 1493, S. 1090, 1971 Regular Session (Acts of 1971, p. 2571), relating to the practice of barbering in counties having populations of not less than 175,000 nor more than 300,000; providing for the regulation of such practice through county boards of barber examiners; and providing for the organization and administration of said boards, is hereby repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 491

H. 778—Gregg, Lutz, Riddick, Smith (B),  
Albright, Moore (W)

### AN ACT

To provide that the Madison County Commission may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of The State and provisions of the act shall be effective retroactively.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Madison County Commission is hereby authorized and empowered to make appropriations to a legislative office to assist the Madison County Delegation to the Legislature in the performance of its duties.

**Section 2.** Said office may be operated on a full-time or part-time basis, as the Madison County Delegation to the Legislature may deem feasible and appropriate.

**Section 3.** The Madison County Commission is authorized and empowered to make all reasonable expenditures necessary to carry out the provisions of this Act.

**Section 4.** All laws or parts of laws which conflict with the Act are repealed.

**Section 5.** The operations of this act shall be retroactive to October 1, 1977, and all actions taken and payments made pursuant there to, on and after that date are ratified and confirmed.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 492

H. 779—Gregg, Lutz, Riddick, Smith (B),  
Albright, Moore (W)

## AN ACT

To provide that the Huntsville City Council may make appropriations to a legislative office to assist the Madison County Delegation to the Legislature of the State and provisions of the act shall be effective retroactively.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Huntsville City Council is hereby authorized and empowered to make appropriations to a legislative office to assist the Madison County Delegation to the Legislature in the performance of its duties.

**Section 2.** Said office may be operated on a full-time or a part-time basis, as the Madison County Delegation to the Legislature may deem feasible and appropriate.

**Section 3.** The Huntsville City Council is authorized and empowered to make all reasonable expenditures necessary to carry out the provisions of this Act.

**Section 4.** All laws or parts of laws which conflict with the Act are repealed.

**Section 5.** The operations of this act shall be retroactive to October 1, 1977, and all actions taken and payments made pursuant there to, on and after that date are ratified and confirmed.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 493

H. 904—Albright

## AN ACT

To provide for a law enforcement officers' bill of rights for Madison County and all its municipal law enforcement agencies, and Firefighters of the City of Huntsville; defining certain rights of any officer or firefighter accused of misconduct; providing for adequate prior notice to officer or firefighter accused of misconduct when dismissal or demotion are involved; providing that any law enforcement officer or firefighter may bring civil suit for damages suffered while on official duty; providing that no officer or firefighter may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the

district attorney or state attorney by writ of injunction for non-compliance with the provisions of this Act; and repealing conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. DEFINITION OF TERMS.** As used in this Act, the following words and phrases shall have the following meanings respectively unless the context clearly indicates the contrary:

(1) "Law Enforcement Officer" means any person defined in Section 36-21-40 of the Code of Alabama, 1975, relating to the Alabama Peace Officers' Standards and Training Commission Act, including any full-time employee who is a policeman, deputy sheriff, deputy constable, and other official who has authority as such official to make arrests.

(2) "Employing Agency" means and includes the police department of each incorporated city or town in Madison County and the department of the sheriff of Madison County including all deputy sheriffs.

(3) "Commission" means the Alabama Peace Officers Standards and Training Commission established by Section 12, Article 3 of the Title 36, Section 21 of the Code of Alabama, 1975, as amended.

(4) "County" means Madison County.

(5) "City" means City of Huntsville.

(6) "Firefighter" means a person employed by the City of Huntsville as a paid firefighter.

**Section 2. LAW ENFORCEMENT OFFICERS' RIGHTS.** All law enforcement officers or firefighters employed or appointed by any employing agency or any elected official shall have the following rights and privileges:

Whenever a law enforcement officer or firefighter is under investigation and is subject to interrogation by members of his agency, for substantial reasons that would likely lead to demotion, or dismissal, such interrogation shall be conducted under the following conditions:

(a) The interrogation shall be conducted at a reasonable hour, preferably at a time when the law enforcement officer or firefighter is on duty, unless the seriousness of the investigation is of such a degree that an immediate action is required.

(b) The interrogation shall take place either at the office of the command of the investigating officer or at the office of the local precinct or police unit in which the incident allegedly occurred, as designated by the investigating officer or agency.



(c) The law enforcement officer or firefighter under investigation shall be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation shall be asked by and through one (1) interrogator at any one (1) time.

(d) The law enforcement officer or firefighter under investigation shall be informed of the nature of the investigation prior to his interrogation.

(e) No disciplinary action can be taken against an officer or firefighter unless he is informed of the identity of the complainant.

(f) Interrogating sessions shall be for reasonable periods and shall be timed to allow for such personal necessities and rest periods as are reasonably necessary.

(g) The law enforcement officer or firefighter under interrogation shall not be subjected to offensive language or threatened with transfer, dismissal, or disciplinary action. No promise or reward shall be made as an inducement to answering any questions.

(h) The complete interrogation of the law enforcement officer or firefighter shall be recorded where practical. If a tape recording is made of the interrogation, the officer or firefighter shall have access to the tape if any further proceedings are contemplated or prior to any further interrogation at a subsequent time. The officer or firefighter shall be entitled to a transcribed copy of any notes made by a stenographer or to any reports made by investigators, except those which are deemed by the agency to be confidential. No notes or reports which are deemed to be confidential may be entered in the officer's or firefighter's personnel file. The officer or firefighter being interrogated shall have the right to bring his own recording device and record any and all aspects of the interrogation.

(i) At the request of any law enforcement officer or firefighter under investigation, he shall have the right to be represented by counsel or any other representative of his choice who shall be present at all times during such interrogation whenever the interrogation relates to the officer's or firefighter's continued fitness for law enforcement service.

(j) No law enforcement officer or firefighter shall be compelled to submit to a polygraph examination against his will. No disciplinary action or other recrimination shall be taken against a law enforcement officer or firefighter refusing to submit to a polygraph examination, nor shall any comment be entered

anywhere in the investigator's notes or anywhere else that the officer or firefighter refused to take a polygraph examination, nor shall any testimony or evidence be admissible at a subsequent hearing, trial or proceeding, judicial or administrative, to the effect that the officer or firefighter refused to take a polygraph examination.

(k) No law enforcement officer or firefighter shall be compelled to speak or testify before, or be questioned by any non-governmental agency.

(l) No law enforcement officer or firefighter shall have any comment adverse to his interest entered in his personnel file, or any other file used for any personnel purposes by his employer, without the officer or firefighter having first read and signed the instrument containing the adverse comment indicating he is aware of such comment, except that such entry may be made if after reading such instrument the officer or firefighter refuses to sign it. Should a law enforcement officer or firefighter refuse to sign, that fact shall be noted on that document and signed or initialed by such officer or firefighter.

(m) The accused officer or firefighter shall have 5 days within which to file a written response to any adverse comment entered in his personnel file. Such written response shall be attached to, and shall accompany, the adverse comment.

**Section 3. CIVIL SUITS BROUGHT BY LAW ENFORCEMENT OFFICERS.** Every law enforcement officer or firefighter shall have the right to bring civil suit against any person, group of persons or any organization or corporation or the heads of such organizations or corporations for damages, either pecuniary or otherwise, suffered during the performance of the officer's or firefighter's official duties or for abridgment of the officer's or firefighter's civil rights arising out of the officer's or firefighter's performance of official duties.

**Section 4. NOTICE OF DISCIPLINARY ACTION.** No dismissal, demotion or other personnel action which might result in loss of pay or benefits or which might otherwise be considered a punitive measure shall be taken against any law enforcement officer or firefighter unless such law enforcement officer or firefighter is notified at least five days prior to any action and the reason or reasons therefor prior to the effective date of such action.

**Section 5. IMMEDIATE SUSPENSION.** Nothing in this act shall prevent the immediate suspension of any law enforcement officer or firefighter whose continued presence on the job is deemed to be a substantial and immediate threat to the welfare of his

agency or the public, nor shall anything in this act prevent the suspension of a law enforcement officer or firefighter for refusing to obey a direct order issued in conformance with the agency's written and disseminated rules and regulations. In such a case, the law enforcement officer or firefighter shall be afforded the rights provided for under this act as soon as possible.

**Section 6. EXCLUSIVITY OF RIGHTS.** The rights accorded law enforcement officers or firefighters in this act are in addition to any rights given such officers and firefighters under their agencies' grievance procedures.

**Section 7. ORAL REPRIMAND NOT PROHIBITED.** Nothing in this act shall be construed to prohibit the informal counseling of a law enforcement officer or firefighter by a supervisor in reference to a minor infraction of policy or procedure which does not result in disciplinary action being taken against the law enforcement officer or firefighter.

**Section 8. RETALIATION FOR EXERCISING RIGHTS.** No law enforcement officer or firefighter shall be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise be discriminated against in regard to his employment, or be threatened with any such treatment, by reason of his exercise of the rights granted by this Act.

**Section 9. RECEIPT AND PROCESSING OF COMPLAINTS.** Every employing agency of law enforcement officers or firefighters shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such employing agency from any person. All complaints received must be reduced to writing and must specifically allege the substance of the complaint whenever possible and practical.

**Section 10. SANCTIONS FOR NON-COMPLIANCE.** If any employing agency or elected official responsible for hiring fails to comply with the requirements of this Act, at the request of the Alabama Peace Officers' Standards and Training Commission, established by Section 12, Article 3, of the Title 36, Section 21 of the Code of Alabama, 1975, then the county district attorney or the Attorney General of the State of Alabama shall apply directly to the circuit court of the county wherein such employing agency is headquartered for an injunction to restrain and enjoin such violation of the provisions of this Act and to compel the performance of the duties imposed by this Act. If the employing agency or elected official responsible for hiring Huntsville firefighters fails to comply with the requirements of this Act, at request of the Alabama firefighters' personnel standards and education

commission, as the case may be, then the local district attorney or the Attorney General of the State of Alabama shall apply directly to the circuit court of the county wherein such employing agency is headquartered for an injunction to restrain and enjoin such violation of the provisions of this Act and to compel the performance of the duties imposed by this Act.

Neither the Alabama Peace Officers' Standards and Training Commission nor the Alabama Firefighters' Personnel Standards and Education Commission, nor the local district attorney's office, nor the Attorney General's office shall be required to give any bond in any proceedings hereunder.

**Section 11. REPEALER.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 12. SEVERABILITY PROVISIONS.** The provisions of this Act are severable. If any clause, provision or section is declared invalid or unenforceable, such declaration shall not affect the remaining portions of this Act.

**Section 13. EFFECTIVE DATE.** This Act shall become effective thirty days after passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 494

H. 1017—Goodwin, Coburn

## AN ACT

To Provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, promotions, tenure, training and official conduct of employees of the police department, fire department and city clerk's office of the city; defining violations of the Act, and imposing penalties for violations thereof.

*Be It Enacted by the Legislature of Alabama:*

**Section 1. Application.** This act shall apply to and have application in the City of Muscle Shoals only and to the police department, the fire department, and the City Clerk's office of such city.

**Section 2. Definitions.** As used in this act unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Muscle Shoals; "employee" means any

person (including the head of the department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this Act; "head" of department includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the feminine and neuter; the singular includes the plural, and the plural the singular.

**Section 3.** Civil Service System. All employees of the City as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board. The board may by rules prescribe a retirement age for all employees. Nothing herein contained shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided, and no present employee shall be subject to any examination in order to hold his present position.

**Section 4.** Civil Service Board. There is created the Civil Service Board of Muscle Shoals, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3. Each member shall be over twenty-five years of age, of recognized character and ability, and an actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this act, Members No. 1, 2, and 3 shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year, Member No. 2 shall be appointed to serve for a period of two years, and Member No. 3 shall be appointed for a period of three years. Each year thereafter the City governing body shall appoint one person to serve for a term of three years as the successor to the member of the civil service board whose term expires. Vacancies occurring from death or resignation shall be filled by the city governing body for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The Board shall meet at least once a month in the municipal building or at such other convenient place as designated by the Board on a date and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments

to the board shall be by unanimous vote of the governing body of the city.

**Section 5. Qualification by Member.** Every person appointed a member of the civil service board shall within fifteen days after his appointment qualify by making written oath that he is eligible for said office and that he will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oaths, including any member of the city governing body, and a copy thereof shall be filed with the city clerk.

**Section 6. Compensation.** The compensation of each board member shall be two hundred dollars per annum, payable quarterly by the city. The member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

**Section 7. Records of the Board.** The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as the custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board from time to time.

**Section 8. Powers and Duties of the Board.** The board shall make rules and regulations to carry out the purposes of this act, and to provide for examinations, appointments, promotions, and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotion persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, vacations, and leaves of absence, and such rules and regulations shall govern in such matters. Except in connection with a reduction in force, demotion, suspension, or a general decrease in the salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a

nonpartisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of appointment.

**Section 9.** Appointments. The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position, and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for re-employment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein, all applicants shall be examined. Examinations shall be open to all citizens of the United States, public, competitive, and subject to the limitations specified by the board as to age, residence, health, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position sought. Examinations shall be practical in character and shall relate to those matters which test the ability of the persons examined to intelligently discharge the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All examinations shall be graded. A veteran and the widow of a veteran shall have five points added to his or her grade. Any veteran who is drawing compensation shall have five points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have 10 points added to his or her grade. The Board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

**Section 10.** Application for Employment. All applicants for employment shall file their application in writing with the board. Application forms shall be furnished by the board. The board shall conduct all examinations and, whenever an examination is to take place, the board shall notify the applicants in writing. Each applicant for examination shall pay to the city clerk the sum of two dollars as an examination fee to defray the expense of the examination, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the City. Said fee requirement may be waived by the board for good cause shown or if the payment thereof would create an undue hardship on the applicant.

**Section 11. Vacancies.** The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire and police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list. One of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board.

**Section 12. Demotions or Suspensions.** A department head shall have authority in his department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion the employee shall be given a public hearing by the board before any order of demotion shall be final. A department head shall have authority to suspend any subordinate employee in his department pending the hearing by the board. Any head of department may be similarly suspended or demoted by the city governing body and he or she shall have the same right of hearing by the board.

**Section 13. Removals and Discharges.** No permanent employee of the city shall be removed or discharged by the board except for just cause. Just cause shall not be determined except upon charges filed with the board and only after an opportunity has been afforded the employee charged to offer evidence and testimony in his own behalf or to have others speak for and on his behalf and after having heard all testimony and evidence offered against him by his accusers. No such employee shall be denied the right to be represented by counsel of his choice. Written charges may be filed against any employee by the governing body of the city or by any member thereof or by any department head to whom such employee is responsible, by filing a written statement of such charge or charges with the board. Charges against any employee of the city subject to the provisions of this act may be filed by any resident citizen of the city.

All charges must be in writing; must set forth in plain and direct language the matters and things complained of, and must be sworn to before a member of the board or before any person authorized to administer oath. Upon the receipt of such written charges, the board, after due consideration thereof, shall determine whether in its considered opinion the charge or charges are soundly based and whether justice will be served by a hearing thereon. If the board determines that the charges are unfounded, the same will



be dismissed similarly by the board. However, if the board is of the opinion that a hearing should be had thereon, the board shall hold a public hearing on the charges and take such action as in its judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public provided, however, that upon the written waiver of a public hearing signed by the complaining party and the accused employee, and filed with the board, the hearing thereof may be closed to the public by order of the board. All testimony given in all hearings before the board shall be transcribed by a reporter or a stenographer to be furnished by the police department, in all proceedings before the board under this Section 13, the decision of the board shall be reduced to writing and entered in the record of the case. In such proceedings before the board, the board may request the city attorney to appear and prosecute the charges instituted by the city governing body or any member thereof or by any department head. However, it shall not be the duty of the city attorney to prosecute any charges brought against employees of the city made subject to this act by private citizens. In addition, the city attorney may be requested by the board to give legal advice and assistance to the board as it may request. If any employee against whom charges are pending pursuant to this Section 13 willfully fails or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its authorized representatives, and each member of the board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and the production of papers and documents necessary as evidence in connection with any hearing, investigation or proceedings within the purview of this act. In case any person refuses to obey any subpoena, the board or its authorized representative may invoke the aid of any circuit court within the county wherein the board is authorized to act, in order that the witness or evidence be presented before the board. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or requiring the requested evidence to be produced and to require testimony relating to the matters in issue. Any person who fails to obey such orders of the court may be punished by the court as for contempt. The fees and expenses of witnesses attending proceedings before the board shall be the same as fees for witnesses in the circuit court of this state, which fee shall be paid from the city treasurer.

**Section 14. Review of Decision and Appeals.** Any party, including the city governing body, aggrieved by a final decision of the board is entitled to a review of such decision by the circuit court

of Colbert County, Alabama, by filing a petition in said court within ten days after such final decision is rendered. The petition shall be accompanied by such security for the costs of the appeal as may be approved by the clerk of the court. Upon the filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board or on the petitioner. Such petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition, permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or reverse and remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of the board was: (1) unsupported by substantial evidence in the record submitted; (2) in excess of the authority conferred by this act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious, or (5) affected otherwise by substantial error or injustice. An appeal may be taken from any final judgment of such circuit court to the Court of Appeals of Alabama or the Supreme Court of Alabama. Said appeal must be perfected within 42 days of the date of the final order in such cause all as provided in the Alabama Rules of Appellate Procedure. The decision or order of the board shall not be superseded by any review or appeal, and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

**Section 15. Political Activities Prohibited.** No person shall be appointed, promoted, or dismissed from any position, or favored or discriminated against with respect to employment because of his political opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No employee shall directly or indirectly solicit any one employee for a subscription or contribution for any political organization. No employee shall be a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political party or political campaign except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this Section shall suffer such disciplinary punishment as the board may direct.

**Section 16. Penalties.** The violation by any employee of any

provision in this act or of any of the rules or regulations issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided, and if such charges are sustained by the board after a notice and hearing as provided, such employee may be discharged or otherwise disciplined. The board or any member thereof may institute charges against an employee for the violation of any of the provisions of this act or of any of the rules or regulations issued in pursuance hereof.

**Section 17. Special Police Officers and Temporary Appointments.** The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different size and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this act to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

**Section 18. Chairman of the Board.** The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the municipal building unless otherwise provided by the board.

**Section 19. Adoption and Printing of Regulations.** The Board shall adopt and have printed such rules and regulations as it may deem proper and in accordance with the provisions of this act. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given to the public for 30 days by posting a copy of the same in the vestibule of the municipal building.

**Section 20. Constitutionality.** Each section of this act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or

provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section sentence, clause or provision of this act which is not of itself void and unconstitutional.

**Section 21.** In any matters related to this act wherein the board deems it necessary and proper to employ legal counsel, or if any person shall fail or refuse to comply with the lawful orders of the board in their actions pursuant to this act, subject to the prior approval of the city governing body, the board may employ legal counsel to represent it in its actions for the enforcement of this act or in the defense thereof, and the compensation of such legal counsel shall be paid by the city. Further, the Board by and with the approval and consent of the governing body of the city, may employ legal counsel for advice and consultation or general legal counsel.

**Section 22.** Inconsistent Law Appeal. All laws and parts of laws inconsistent herewith are hereby repealed.

**Section 23.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 495

H. 1018—Goodwin, Coburn, Weeks

## AN ACT

Relating to Franklin County, Alabama; authorizing the state highway department to use county funds to maintain and repair mail route roads, school bus routes and cemetery roads; maintain area to and around Franklin County sanitation containers; to determine and establish authority concerning certain other roads.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The state highway department is hereby authorized to use county road funds dedicated and allocated to the maintenance and improvement of roads in Franklin County; for maintenance and repairs of mail routes, school bus routes, and roads leading to cemeteries and around cemeteries, and the area to and around Franklin County sanitation containers for public use, even though the road right-of-way has not been dedicated or deeded to the State of Alabama or Franklin County. The services to be performed by this section are to be supervised by the County District Engineer.

**Section 2.** The state highway department is hereby

authorized to maintain and repair all other public roads with two (2) or more occupied residences with different ownership, provided however, that these roads are not construed to be a private drive or road and which roads do not serve private development properties.

**Section 3.** Subdivisions and private development properties shall be constructed to state specifications and standards, by said property owners and at their expense, prior to being accepted for maintenance and repair by the state highway department in Franklin County.

**Section 4.** Any road in the Franklin County Road System that is being maintained by the state highway department, at the date of this act becoming a law, cannot be abandoned without prior consent by the Franklin County Commission.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** The provisions of the Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 496

H. 1019—Goodwin, Coburn, Weeks

### AN ACT

Relating to Franklin County, Alabama; relating to certain authority and duties of the County District Engineer.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Franklin County District Engineer shall have the final authority in determining whether any road or street in the county meets state standards and specifications for maintenance by the State Highway Department. His acceptance or rejection of any road or street for such purpose shall be final.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such

declaration shall not affect the part which remains.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 497

H. 1038—Dial

### AN ACT

Relating to Clay County; to provide for the night hunting and taking of raccoons and opossums with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Raccoons and opossums may be legally hunted and taken at night by catching or killing with the use of a light and/or shotgun using shot no larger than number eight, or with a 22-caliber rimfire rifle using 22-caliber-short ammunition in Clay County.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 498

H. 758—Leonard

### AN ACT

Relating to any county having a population of 500,000 or more, according to the 1970 or any subsequent federal decennial census; providing further for the pay for the chief inspectors of voting boxes within said county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this Act shall apply only to any county having a population of 500,000 or more inhabitants, according to the 1970 or any subsequent federal decennial census.

**Section 2.** In any such county, chief inspectors of voting boxes shall be paid \$45.00 per election day for performance of their duties.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 499

H. 901—Gafford

### AN ACT

To authorize the governing body of Jefferson County, Alabama to offer and pay a reward to any person furnishing information which leads to the arrest and conviction of any one, or more, of the offense of embezzling, stealing, willfully or maliciously destroying, or damaging, property of such County, the board of education of said County or of any agency of the County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** This Act shall apply in Jefferson County, Alabama.

**Section 2.** As herein used these terms have the meanings here given them: "the County" means Jefferson County, Alabama; and "County property" means property of any kind or character belonging to the County, the board of education of the County or any agency of the County.

**Section 3.** The governing body of the County is hereby authorized to offer and pay a reward to any person furnishing information leading to the arrest and conviction of one, or more, of any offense which consists of embezzling, stealing, willfully or maliciously destroying or willfully or maliciously damaging property, if the property embezzled, stolen, destroyed or damaged is County property. The governing body is authorized to prescribe the amount of such reward, the officer, or officers, to whom such information shall be furnished and the conditions on which such reward shall be payable, and to provide for the division of such reward between two or more persons furnishing such information.

**Section 4.** All laws or parts of laws, whether general, local or special, in conflict with this Act are repealed to the extent of any

such conflict.

**Section 5.** This Act shall become effective on its approval by the Governor or on its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 500

H. 946—Waggoner

### AN ACT

To further amend Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), which act provides for the creation and operation of districts for fire protection and certain other public services in Jefferson County, so as to provide that service charges levied by such districts shall be obligations of property owners of the district served.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 12 of Act No. 79, H. 99, 1966 Special Session (Acts 1966, p. 106), as amended, is hereby further amended to read as follows:

“Section 12. The expense of establishing and maintaining a district shall be paid for the proceeds of a service charge which shall be levied and collected in an amount sufficient to pay said expense. Said service charge shall be levied upon and collected from the property owners served by the system. Such charge shall be a personal obligation of the owner of the property served by the system; and to secure the collection of the charge there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

“The Board of Trustees may provide that upon a person being in default for more than sixty (60) days in paying any service charge due by him he shall be liable to pay any reasonable attorney’s fee incurred by the district in its effort to enforce payment of the said service charge whether suit is filed or not.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.



Act No. 501

H. 985—McCulley

## AN ACT

Relating to Washington County; raising the sheriff's salary to \$18,000, beginning with the next term; repealing any expense allowances.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The sheriff of Washington County shall receive an annual salary of \$18,000 beginning immediately with the next term of office, and the compensation granted by this act shall be the sole compensation received by the sheriff of Washington County.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed, including Act No. 478, Regular Session 1976 (Acts of 1976, p. 594), and all other acts or portions of acts providing any additional compensation, salary or expense allowance to the sheriff of Washington County are repealed insofar as they apply to Washington County.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 502

H. 986—McCulley

## AN ACT

Relating to Washington County; providing for service of jury summonses, witness subpoenas, notice of appointment of election officials and notice of tax liens by mail.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Washington County the sheriff may execute orders to summon jurors, subpoena witnesses, give notice of appointment of election official, or give notice of tax liens by registered mail, or he may execute such orders or give such notice as otherwise prescribed by law. It shall be the duty of the sheriff of the county to enclose the summons, subpoena or official notice of tax lien or of appointment as an election official in an envelope addressed to the person to be served and place all necessary postage and a return address thereon with notice to the postal authorities not to forward outside the county. In the event said jury summons, subpoena or official notice is returned to the sheriff by the Post

Office Department of the United States without delivery the summons, subpoena or official notice shall be by the sheriff returned NOT FOUND. All jury summonses, subpoenas, or official notices not returned to the sheriff by said Post Office Department shall be considered for all purposes as sufficient personal and legal service. The provisions of this section is reference to service by mail shall not apply, however, to jury summonses, subpoenas or official notices returnable before the court instanter; such summonses, subpoenas or official notices shall be served only as otherwise provided by law, notwithstanding this act.

**Section 2.** The county governing body of Washington County is hereby authorized to make expenditures from the county general fund which are necessary to carry out the provisions of this act.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 503

H. 1005—McCulley

### AN ACT

Relating to Washington County; to provide further for the compensation of poll officials and poll workers.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county governing body of Washington County shall provide such an additional amount of daily compensation as is necessary to grant each poll worker and poll official a total compensation, from all sources, of \$25.00 per day.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 504

S. 253—Adams

## AN ACT

To amend further Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), entitled, "An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000," so as to provide further for the disclosure of campaign contributions and expenditures made in relation to city elections; and to remedy a possible defect in the title of said Act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The title of Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), is amended to read as follows:

"An Act To provide for and prescribe the form of government of all cities having populations of not less than 35,000 nor more than 37,000 according to the 1970 or any subsequent federal decennial census; and to prescribe penalties for violation of the provisions hereof."

**Section 2.** Section 30 of Act No. 2141, H. 2561, 1971 Regular Session (Acts 1971, p. 3431), is amended to read as follows:

"Section 30. Each candidate for city office provided for by this Act shall, not later than 30 days after the election, file with the judge of probate of the county his sworn itemized statement in detail of each contribution received by him or any person or committee acting in his behalf, specifying the amount of same, the full name and address of the contributor, and each campaign-related expenditure in excess of \$50, specifying the name and address of the person or company to whom the expenditure was made. The statement shall also list the total amount of contributions received and the total amount of campaign expenditures made by the candidate or any person or committee acting in his behalf. The statement shall be published one time, at the expense of the city, in a newspaper of general circulation in the city."

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 505

S. 539—Adams

## AN ACT

Relating to Houston County; to prescribe the composition of the hospital board

of said county; to ratify and confirm all previous acts of said board in approving and authorizing the sale of bonds for financing hospitals in said county and to provide for supplemental effect.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Commencing May 1, 1978, the hospital board of Houston County, Alabama, shall be composed of twelve (12) members. The nine (9) members currently serving on said board shall continue in such service until the expiration of their current terms and in addition thereto three (3) new members shall be appointed by the county governing body on or before May 1, 1978, for initial terms as follows:

One (1) new member for a term expiring August 3, 1979

One (1) new member for a term expiring August 3, 1981

One (1) new member for a term expiring August 3, 1983.

Thereafter, such members shall serve for terms of six (6) years each.

**Section 2.** All previous actions taken by the hospital board of Houston County in approving and authorizing the sale of bonds for financing hospitals in said county are hereby ratified and confirmed.

**Section 3.** The provisions of this Act are supplemental. It shall be construed in *pari materia* with all other laws governing the hospital board in said county. However, all laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

**Section 4.** This Act shall become effective on May 1, 1978.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 506

S. 599—Mitchell

### AN ACT

Relating to Crenshaw County; to provide an additional monthly salary allowance for the members of the county commission, effective beginning with the next term of office.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Effective with the next term of office of the respective members of the Crenshaw county commission each member shall receive an additional salary allowance in the amount

of \$200.00 per month. Said salary increase to be paid by warrants drawn on the county treasurer on order of the Crenshaw county commission, and shall be in addition to any and all other compensation, expenses and allowances provided by law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 507

S. 602—Mitchell

### AN ACT

Relating to Crenshaw County; providing for an increase in the pay of the members of the board of equalization.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The members of the board of equalization of Crenshaw County shall be entitled to receive an additional ~~compensation of \$10.00 per day~~ to be paid out of the general fund of the county treasury. Said amount shall be in addition to any and all other amounts provided for by law and shall be paid only for those days when said board is authorized to meet and conduct business.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 508

S. 676—Mims

### AN ACT

Relating to Monroe County; providing additional expense allowances for members of the board of education.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The members of the Monroe County Board of Education shall receive an expense allowance of \$100.00 per month to cover expenses incurred by them in and about the performance of

their duties as such officers. This allowance shall be in addition to any expense, salary or per diem allowance now allowed to them by law, and shall be paid to them monthly out of the public school funds of the county.

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 509

S. 677—Mims

### AN ACT

To authorize the Presiding Circuit Judge of the 35th Judicial Circuit to withdraw a certain amount from the Solicitor's Funds which comprise such Circuit to be used for the effective administration of justice.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Presiding Circuit Judge of the 35th Judicial Circuit shall have the authority to requisition up to \$5,000 (each fiscal year) from the combined Solicitor's Funds within his Circuit. The \$5,000 allotment shall be requested by the Judge in the same manner as all other expenditures and shall be utilized for the purposes stated below:

(A) Office supplies, equipment, furniture, books, postage and telephone expenses, clerical, or bailiff expenses.

(B) Film, photographs, maps, recording, and dictating tapes.

(C) Actual travel expenses incurred while on the business of the office.

(D) Continuing legal, professional, or judicial education and conferences, including actual expenses incidental hereto.

(E) Professional dues and assessments.

(F) Professional books and periodicals and newspapers for use of the office of any Circuit Judge of such Judicial Circuit.

(G) Any other expenditure incurred in the proper discharge and conduct of the duties of the office of the Circuit Judge or of the Circuit Court.

**Section 2.** All laws or parts of laws in conflict with this Act are repealed.

**Section 3.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 510

S. 711—McDonald (S)

**AN ACT**

Relating to Marshall County; to provide that the salary commission of the county shall set the salaries and compensation of the members and employees of the board of registrars to be paid from county funds.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The salary commission of Marshall County shall set the salaries and compensation of the members and employees of the board of registrars of Marshall County to be paid from county funds. Such salaries and compensation shall be set in the same manner as the salaries of other county employees are set by the salary commission.

**Section 2.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 511

S. 723—Edwards

**AN ACT**

Relating to the Thirty-Sixth Judicial Circuit; to provide for the assessment and collection of an additional filing fee on each district and circuit court case filed with the clerk's office in the Thirty-Sixth Judicial Circuit to be used to establish and maintain a law library in said circuit and to establish, maintain and operate a historical commission in Lawrence County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby assessed and the circuit clerk of the Thirty-Sixth Judicial Circuit is hereby authorized to collect an additional filing fee of \$1.00 per case filed in the the circuit and district courts of the Thirty-Sixth Judicial Circuit and one half of the proceeds from said fee shall be set aside to be used to establish and maintain a law library in said circuit, and the other one half of the proceeds of said fee shall be set aside to be used to establish, maintain and operate a historical commission in Lawrence County.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 512

S. 726—Fine

### AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Russellville, in Franklin County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The boundary lines and corporate limits of the municipality of Russellville in Franklin County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of the NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 13, Township 6 South, Range 12 West, less that part lying West of Clay Avenue extended and also less the following described tracts:



a tract or parcel of land situated in the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 13, Township 6 South, Range 12 West, Franklin County, Alabama. More particularly described as follows, to-wit: commence at a metal marker at the SE corner of said Section 13, in Summit Street; thence North 87 degrees 44 minutes West along the South line of said section 681.4 feet; thence North 2 degrees 16 minutes West 40 feet to an iron stake on the North right of way of said Summit Street, said point being the true point of beginning of the tract hereby described: Thence continue North 2 degrees 16 minutes West 180 feet to an iron stake; thence South 89 degrees 44 minutes West 200.12 feet to an iron stake, thence South 2 degrees 16 minutes East 180 feet to an iron stake on the North right of way line of Summit Street; thence North 89 degrees 44 minutes East along said right of way 200.12 feet to the true point of beginning.

Commence at a metal marker marking the SE corner of SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 13, Township 6 South, Range 12 West; thence South 87 degrees 44 minutes West along the South line of said section 681.4 feet; thence North 2 degrees 16 minutes West 220 feet to a point designated as the point of beginning; thence North 2 degrees 16 minutes West a distance of 20 feet; thence South 89 degrees 44 minutes West to a point on the East boundary of Clay Avenue extended; thence South along East boundary of Clay Avenue extended to a point on the Northerly line of Summit Street; thence North 89 degrees 44 minutes East along Northerly line of Summit Street to the SE corner of the tract previously conveyed by this grantor to these grantees; thence North 2 degrees 16 minutes West a distance of 280 feet; thence North 89 degrees 44 minutes East a distance of 200.12 feet to the point of beginning, situated, lying and being in the SE  $\frac{1}{4}$  of Section 13, Township 6 South, Range 12 West.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

To repeal Act No. 494, S. 927, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee of issuance of a pistol permit by the sheriff in such counties and providing for the distribution and use of such fees."

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Act No. 494, S. 925, approved August 26, 1971, Regular Session 1971 (Acts 1971, p. 1207), entitled, "An Act Relating to counties having a population of not less than 23,900 nor more than 24,450, fixing the fee for issuance of a pistol permit by the sheriffs in such counties and providing for the distribution and use of such fees," is hereby repealed.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 514

S. 728—Fine

### AN ACT

Relating to Franklin County; to provide for the fee for the issuance of pistol permits by the sheriff and for the disposition of such fee.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In Franklin County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13-6-155 of the Code of Alabama 1975, shall be \$10.00, which shall be collected by the sheriff of such county and deposited in the county treasury. The county shall retain five dollars (\$5.00) for the county general fund and five dollars (\$5.00) shall be retained for the operation of the sheriff's department to be expended as the sheriff may see fit.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

**AN ACT**

To authorize and direct the state forester to establish a steering committee to represent rural community fire departments and to define the duties of said committee; and to authorize the state forester to establish other committees as needed for advice in other forestry matters.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The state forester is hereby authorized and required to create a steering committee to represent rural community fire departments.

**Section 2.** The steering committee shall make recommendations to the state forester regarding how to improve the rural community fire program and how to solve immediate problems including parts exchange, training and financial assistance through federal grants.

**Section 3.** Said steering committee shall be composed of twelve members; one from each of the ten administrative districts of the Alabama Forestry Commission, one member from the Alabama Association of Fire Chiefs, and one member from the Alabama Firemen's Association. The President of the Alabama Association of Fire Chiefs shall appoint one member of his association to serve on the committee and the President of the Alabama Firemen's Association shall appoint a member of his association to serve on the committee. The State Forester shall appoint the remaining committee members from each administrative district of the Alabama Forestry Commission, with each such member being a volunteer fireman. All members shall serve at the pleasure of their appointing authority. Vacancies on the committee shall be filled by the same appointing authority who appointed the vacating member.

**Section 4.** The committee shall meet semi-annually, with the members of the committee setting the date. The State Forester shall have the authority to call special meetings. A majority of members shall constitute a quorum.

**Section 5.** Members of the committee shall not be compensated for their services, but each shall be entitled to reimbursement for travel expenses in the same manner and amount that state employees are reimbursed. Such expenses shall be paid out of Forestry Commission funds.

**Section 6.** The State Forester is further authorized to establish a committee and call meetings of such committee to advise him on general Forestry matters in Alabama. It shall consist of not more than fifteen members. Section 5 of this Act shall apply in its

entirety to this committee.

**Section 7.** There is also hereby established the Forestry Study Committee. Such committee shall be composed of fifteen members. The Speaker of the House and the President of the Senate each shall appoint three members from the respective houses; the State Forester shall be a member and serve as Secretary; and the Governor shall appoint eight (8) members. The appointees shall represent forest land ownership, forest industries, education, other forest-related interests and other citizens whose knowledge will be valuable to the committee's work.

(a) The committee shall hold an organizational meeting at the state capitol, within ten (10) days after the appointments are made, and elect a chairman from among its members. Thereafter, the committee shall meet on the call of the chairman or a majority of its members and shall adopt its own rules of procedure for the conduct and transaction of business.

(b) The duty of the committee shall be to make a complete study and needs assessment of all facets of the Alabama Forestry program, including but not limited to:

(1) problems related to forest fires, their occurrences, causes, acreage burned, damages, and whether legally or illegally set; (2) fire prevention and control in the state forests, the adequacy of prevention, detection, reporting, suppression and law enforcement measures; (3) resource management practices and industrial development related to the Forestry program; and (4) the effects and impact of both state and federal environmental legislation and regulations on Forestry practices and landowner prerogatives and options.

(c) Non-legislative members shall be entitled to per diem and travel expenses, now provided by law, for each day of actual attendance at committee meetings; legislative members shall be entitled to their regular legislative compensation, per diem and travel expenses for each day of actual attendance at committee meetings, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session.

(d) There is hereby appropriated the sum of ten thousand (\$10,000) from the general fund of the state treasury for the purpose of implementing the provisions of this Act. Any unspent funds of this appropriation shall revert to the general fund of the state treasury on May 31, 1980.

(e) The chairman and committee may employ such clerical,

legal, technical and expert assistance as the committee may find necessary in performing its duties.

(f) The committee shall publish a report of its findings and recommendations for distribution to the public.

(g) At the conclusion of its study and evaluation, the committee shall report its findings and recommendations to the Governor, Lt. Governor, and Speaker of the House on the 15th day of January, 1979. Upon submission of the final report the committee shall be discharged and stand dissolved.

**Section 8.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 9.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 516

H. 188—Campbell, Manley

### AN ACT

To provide for the appointment of an advisory board to advise the Alabama Historical Commission on the acquisition, maintenance, and protection of certain properties and objects of historical interest located at Fort Tombeckbee in Sumter County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** An advisory board to be known as the Fort Tombeckbee historical advisory board is hereby authorized to be appointed by the Governor for the purpose of advising the Alabama Historical Commission on the acquisition, maintenance and protection of certain properties and objects of historical interest at Fort Tombeckbee in Sumter County. Said board shall be composed of three members; and the first appointees shall be appointed to serve for terms of two, four and six years respectively, and subsequent appointees shall serve for terms of four years. Such members shall serve without compensation.

**Section 2.** Said board shall advise the Alabama Historical Commission: To acquire title, possession, or control of such properties and also of objects of historic interest at Fort Tombeckbee as it may deem necessary or proper, to be maintained,

preserved, and protected on behalf of the State of Alabama; to mark in suitable manner the places or locations of historic interest at such point; and to prepare and publish for distribution pamphlets or other printed matter with respect thereto. The Alabama Historical Commission may, in its complete discretion, act upon any suggestions or advice of the advisory board. Any expenses incurred by the board shall be paid out of any money appropriated by the legislature or by any gift, bequeath or grant from whatever source.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 517

H. 304—Crawford

### AN ACT

To make an appropriation from the Alabama Special Educational Trust Fund to the Henry County Board of Education for capital outlay purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated \$200,000.00 from the Alabama Special Educational Trust Fund in the state treasury to the Henry County Board of Education for capital outlay purposes to be used to restore or replace the Newville Elementary School which was destroyed by fire.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 518

H. 384—Johnson, Lee

## AN ACT

To name the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, the "Victor Poole Learning Resources Center."

WHEREAS, Victor Poole is a former member of the Hale County Board of Education, presently a longtime member of the Alabama State Board of Education and executive vice-president of the Bank of Moundville; and

WHEREAS, Mr. Poole is a strong advocate of vocational education and an ardent supporter of education at all levels; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the building now under construction at Shelton State Technical College in Tuscaloosa, Tuscaloosa County, Alabama, is hereby named and designated, the "Victor Poole Learning Resources Center."

**Section 2.** Proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said building, the "Victor Poole Learning Resources Center."

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 519

H. 522—Campbell, McCorquodale,  
Robertson, Pegues, Lockett,  
Manley, Dial

## AN ACT

To amend Section 16-53-3, Code of Alabama 1975, relating to the board of trustees of Livingston University, so as to further provide for the membership of such board.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 16-53-3, Code of Alabama 1975, is hereby amended to read as follows:

“§ 16-53-3. (a) The board of trustees of the state educational institution at Livingston, Alabama, now known as Livingston University, but formerly known as Livingston State College, shall consist of two members from the congressional district in which the institution is located, one from each of the other congressional districts in the state, four from the state-at-large, the state superintendent of education and the governor, who shall be ex officio president of the board. Trustees serving on September 16, 1971, shall serve out the terms for which they had previously been appointed. As soon as practicable after September 16, 1971, the governor, with the advice and consent of the senate, shall appoint the members from the state-at-large. Two of these members from the state-at-large shall be appointed for terms to expire December 27, 1975, and two for terms to expire December 27, 1979. Successors to the trustees hereinabove provided for shall be appointed by the governor, by and with the advice and consent of the senate, each for a term of 12 years and until his successor has been appointed and has qualified. Unless the number of congressional districts is reduced or increased, three of the successors to the members from the congressional districts shall be so appointed in 1971 and every 12 years thereafter, three in 1975 and every 12 years thereafter and three in 1979 and every 12 years thereafter. Two of the successors to members from the state-at-large shall be appointed in 1975 and each 12 years thereafter, and two in 1979 and each 12 years thereafter. If the number of congressional districts is reduced or increased, then successors to the trustees from the districts shall be appointed in such manner that, as nearly as possible, one third of such members shall be appointed each fourth year, each for a term of 12 years.

“(b) No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such.

“(c) No employee of Livingston University, or any person related by blood or marriage to the chief executive officer of said school, shall be eligible to serve on its board of trustees.

“(d) No member of the board shall, individually, as a partner, as a stockholder, board member or officer of a corporate body, conduct any business transaction, directly or indirectly, with Livingston University. Any such person who does so shall be immediately removed from the board of trustees and replaced by appointment by the governor for the unexpired portion of his term; except, that Livingston University may use the only bank in Livingston, Alabama, which is presently known as McMillan and Company, Bankers, as a depository; provided, that funds which will be on deposit for more than 60 days shall bear interest at the maximum rate paid by said bank on passbook accounts and



certificates of deposit in said bank. Should the bank fail to pay such interest, then any stockholder, board member or officer of the bank, who is then serving on the board of trustees of Livingston University, shall be immediately removed from the board of trustees of Livingston University and replaced by appointment by the governor. The chief executive officer of the university shall not as an individual or as an incorporator, officer or director of any profitmaking company, corporation, association, partnership or other organization engage in any business in any manner which will conflict with his duties as such chief executive officer or with the best interest of the university or the students enrolled therein. Nothing herein shall be construed to forbid such chief executive officer from serving as a trustee of another educational institution or as an officer of a church or other eleemosynary institution or as an officer, director or trustee of any organization when no profit will accrue to him or his immediate family from any business done by such organization for or with the university or the students enrolled therein. Should the chief executive officer of the university engage in any business in contravention of this provision, such action shall be sufficient cause for his immediate removal by the board of trustees.

“(e) Should the number of congressional districts be reduced by reason of reapportionment or otherwise, resulting in the term of the member representing the district eliminated being terminated, the number of state-at-large members shall be increased in proportion to the number of such members whose terms are terminated.”

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 520

H. 541—Merrill

### AN ACT

To name the International House at Jacksonville State University “The Clarence W. Daugette Jr. House.”

WHEREAS, the International House on the campus of Jacksonville State University houses twenty American students and twenty foreign students in an environment and atmosphere

conducive to an international exchange in living and learning; the structure was built entirely from contributions by various civic clubs and organizations and by individual donations; operating expenses are financed also by contributions and through endowment funds, as are the twenty scholarships awarded annually to deserving foreign students; and

WHEREAS, Clarence W. Daugette, Jr., who is himself a Jacksonville State graduate, and whose father was president of the University from 1899 through 1942, was the principal donor of the funds necessary to build the impressive \$350,000 structure; and

WHEREAS, Mr. Daugette, who served with distinction as a full Colonel with General Patton's Army in Europe during World War II, is president of Life Insurance Company of Alabama in Gadsden and is president also of the First National Bank of Jacksonville; and

WHEREAS, this prominent Etowah County citizen has participated further in many worthwhile civic and charitable projects including the state chairmanship of the American Cancer Society Drive and is deeply involved with work in the Boy Scouts of America program; he also is a lay leader in the Episcopal Church; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the International House at Jacksonville State University is hereby designated "The Clarence W. Daugette, Jr. House."

**Section 2.** Proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in designating said structure as "The Clarence W. Daugette, Jr. House."

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 521

H. 767—Holley, Folmar

# AN ACT

To name the Fine Arts Building at Enterprise State Junior College, Coffee

County, Alabama, the "B. A. Forrester Building"; unit one of said facility is already completed with two additional units scheduled for construction.

WHEREAS, Mr. Benjamin A. Forrester, who served during World War II in the United States Infantry, received a Two-Year Degree from Troy State Teachers College; a Bachelor's Degree, a Master's Degree, and a AA Certificate from the University of Alabama; and completed course and residence Doctoral Degree requirements at Auburn University; and

WHEREAS, during his long and notable career in the field of education, Mr. Forrester has served as principal of Elementary, junior high, and high schools, as superintendent at Roanoke and Ft. Payne and, beginning in 1962, as Assistant State Superintendent of Education, during which tenure he was charged with the responsibility of implementing plans for Alabama's Junior College System; and

WHEREAS, to create a system which has become one that is studied and even used as a model for many other states in establishing their own junior college systems, Mr. Forrester, at great personal sacrifice, often on his own time and at his own expense, traveled to surrounding states to investigate and to incorporate the best of the systems in use at that time; and

WHEREAS, as the citizens of Enterprise, Alabama, had already laid the groundwork for the establishment of a junior college, a project enthusiastically supported by the community, 100 acres was given to the State and Enterprise was one of the first sites selected by the Junior College System; public support was overwhelmingly in favor of Mr. Forrester as president, which appointment he received in 1964 with classes beginning in September, 1965; and

WHEREAS, Mr. Forrester, who might well be called the "Father of Alabama's Junior College System," has been instrumental in building Enterprise State Junior College into one of the finest in our State with a policy of always equating courses offered with those on the four-year college or university level; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the Fine Arts Building at Enterprise State Junior College, with unit one already completed and two additional units scheduled for construction, is hereby named and designated as the "B. A. Forrester Building."

**Section 2.** Proper school authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said facility as the "B. A. Forrester Building."

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 522

H. 994—Mitchem

### AN ACT

To name the National Guard Armory at Albertville, Alabama, the "Robert C. Davis National Guard Armory".

*Be It Enacted by the Legislature of Alabama:*

WHEREAS, Robert C. Davis has served the state and the nation in the Alabama National Guard for over thirty years; now therefore,

**Section 1.** The National Guard Armory in Albertville, Alabama, will hereby be named the "Robert C. Davis National Guard Armory" in honor of Robert C. Davis.

**Section 2.** The Alabama National Guard is directed to cause appropriate signs and markers to be erected and maintained in designating said National Guard Armory after Robert C. Davis.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 523

S. 93—McDonald (A)

### AN ACT

To provide that the Madison County Commission may appoint an Awards Committee to make recommendations to said commission.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Madison County Commission or other governing body of Madison County is hereby authorized and empowered to appoint an Awards Committee whose members shall

serve at the pleasure of the said commission for a term to be set by the commission. The commission may appoint as many members of the committee as it shall deem necessary and appropriate.

**Section 2.** It shall be the duty of the Awards Committee to make recommendations to the Madison County Commission of appropriate means of honoring or otherwise calling attention to persons, firms or corporations who have done outstanding work for or on behalf of Madison County or who have brought attention or honor to Madison County as a result of their actions.

**Section 3.** The Madison County Commission is authorized and empowered to make all reasonable expenditures necessary to carry out the provisions of this act, except that no compensation shall be paid to any member of the Awards Committee.

**Section 4.** All laws or parts of laws which conflict with this act are repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 524

S. 94—McDonald (A)

### AN ACT

Relating to Madison County, to authorize the County Commission to designate an official County Historian and appropriate an honorium for same.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Madison County Commission may authorize the appointment of a County Historian and appropriate county funds for the purpose of paying such designated County Historian honorarium, not to exceed Five Thousand Dollars.

**Section 2.** The County Historian shall maintain a chronological history of local government within Madison County.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 525

S. 497—Baker

## AN ACT

Relating to DeKalb County; requiring the State Highway Director to pay out of the DeKalb County distributive share of the State Gasoline tax any judgment for damages and court costs rendered against Billy Ray Barksdale, individually, pursuant to a motor vehicle collision which occurred on or about March 14, 1975, in DeKalb County while he was performing his duties as a state highway department employee employed in DeKalb County.

WHEREAS on or about March 14, 1975, Billy Ray Barksdale, an employee of the state highway department, employed in DeKalb County, was working on the DeKalb County road system; and

WHEREAS in the performance of his duties and within the line and scope of his employment while operating a 1974 Ford 2 and one-half tone dump truck providing maintenance on a DeKalb County road, he was involved in a collision with a motor vehicle being driven by Albert Henry Heaton; and

WHEREAS, Billy Ray Barksdale has been sued individually in the Circuit Court of DeKalb County, Alabama, Civil Action No. 99-L-76, for the damages arising out of such collision; and

WHEREAS since Billy Ray Barksdale was required as a part of his duties to operate the vehicle and since neither the state nor DeKalb County provided liability insurance and since he was unable to obtain insurance on his own, in the event that any judgment for damages should result in the lawsuit brought against him, the debt would be a just and moral obligation and Billy Ray Barksdale should not have to pay it individually.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The State Highway Director shall pay out of the DeKalb County Distributive share of the State Gasoline tax the amount of any judgment for damages and court cost rendered against him in the pending lawsuit in the Circuit Court of DeKalb County, Alabama in Civil Action No. 99-L-76, provided, however, that said payment of judgment and court costs shall not exceed \$5,900.00.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are thereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 526

S. 576—McDonald (S)

### AN ACT

Relating to Marshall County; to provide for a cost of living salary increase for the employees of the sheriff's department retroactive to October 1, 1977; and to provide that the salaries of the employees of the sheriff's department shall in the future be set by the salary commission that sets the salaries of other county employees.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county commission of Marshall County, or other like governing body, shall provide a cost of living salary increase of 8% to all employees of the sheriff's department retroactive to October 1, 1977.

**Section 2.** The salaries of the employees of the sheriff's department of Marshall County shall in the future be set by the salary commission of the county that sets the salaries of other county employees in the same manner as the salaries of such other county employees are set.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 527

S. 581—Edwards

### AN ACT

Relating to Morgan County; to provide for a temporary expense allowance for certain county officers elected to serve as revenue commissioner.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person elected to serve as revenue commissioner of Morgan County shall be entitled to receive a temporary expense allowance of \$4,460.00 per year to commence on the first Monday after the second Tuesday in January 1979, and expire on the date the first revenue commissioner takes office. Such expense allowance shall be paid to defray the expenses associated with the transition into office of the revenue commissioner whether or not that person is at that time serving in any other elected position. Such expense allowance shall be in addition to any other compensation currently authorized to the person so elected and shall be payable in equal monthly installments out of the county treasury in a manner currently provided by law.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 528

S. 582—Edwards

### AN ACT

Relating to Morgan County; to create and establish the office of license inspector in said county by providing for the appointment, term, duties, powers and compensation of said inspector.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created and established the office of license inspector in Morgan County, Alabama.

**Section 2.** On or after the first Monday after the second Tuesday of January, 1979, the county commission or other like governing body of Morgan County shall appoint a license inspector for said county who shall take office immediately and who shall serve at the pleasure of said commission.

**Section 3.** Said license inspector shall perform in Morgan County all of the duties required by Section 40-12-10 of the Code of Alabama 1975, relating to license inspectors.

**Section 4.** Said license inspector and such other assistants as are duly authorized thereto by said inspector shall have the same powers and authority to serve and execute citations, writs, and other processes that license inspectors have under the general law.



**Section 5.** All fees, costs, penalties, commissions and other charges which license inspectors are now or hereafter may be authorized by law to charge and collect shall be paid to the said county governing body.

**Section 6.** For performing the duties of license inspector required by this act, said inspector shall be entitled to a salary of not less than \$500 per month as determined by said county commission to be paid in the usual manner by said county. In addition to the aforesaid salary to be paid to the license inspector, after the amount of \$13,000 or any other amount as set by the county commission has been accumulated within a fiscal year under Section 5 of this act, said inspector shall be entitled to an amount of compensation equal to all moneys collected and paid over to the county governing body pursuant to said Section 5 or an amount as determined by the county commission. Provided however, that on or before the tenth of each month, said inspector shall make a detailed and itemized report of the moneys collected in the exercise of the duties of said office during the preceding month to the Morgan County commission.

**Section 7.** The license inspector shall in addition be entitled to an expense allowance of 15 cents per mile for use of his personal car in the performance of his duties or be furnished with the use of a car by the county at the discretion of the county commission.

**Section 8.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 9.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 10.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 529

S. 583—Edwards

### AN ACT

Relating to Morgan County; to provide for the compensation of the license commissioner in said county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** After the expiration of the term of the incumbent, the license commissioner of Morgan County shall be compensated at the rate of \$18,500 per annum, payable in equal monthly installments from the county treasury. Such compensation shall be paid in lieu of all other salaries, fees and allowances heretofore provided by law for said commissioner.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3:** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 530

S. 613—Edwards

AN ACT

Relating to Morgan County; to provide for the compensation of the revenue commission in said county.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The revenue commissioner of Morgan County shall be compensated at the rate of \$18,500 per annum, payable in equal monthly installments from the county treasury. Such compensation shall be paid in lieu of all other salaries, fees and allowances heretofore provided by law for said commissioner.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 531

S. 704—Mitchell and Powell

AN ACT

To allow those county employees who but for Section 3 of Act No. 176 of the 1959

Regular Session of the Alabama Legislature would have contributed to the Montgomery County Employees' Retirement System to pay the amount not deducted plus interest and thereby receive credit for membership in the Montgomery County Employees' Retirement System for the period of time when such monies were not contributed.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any person who did not become a member of the Montgomery County Employees' Retirement System solely because said person was prohibited from becoming a member by that provision in Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature requiring one year of service prior to becoming a member of the said retirement system, may pay into the said retirement system or any subsequent retirement system for the benefit of Montgomery County employees that amount of money which was not so deducted plus interest at 8% per annum calculated from the date which said funds would have been deducted. Upon the payment of said funds including interest, the said person shall be allocated membership service credit in the proper retirement system for the said period of service as determined by the appropriate rules and regulations of the Montgomery County Commission.

**Section 2.** Any person who is receiving benefits from Montgomery County Employees' Retirement System or a subsequent retirement system for Montgomery County employees by virtue of a person who would qualify under Section 1 above may pay funds including interest as calculated under the provisions of Section 1 above to the appropriate retirement system and receive the benefit due to the increased membership service credit.

**Section 3.** For any person to receive the increased membership service credit provided by this Act, such person shall pay the funds including interest into the appropriate retirement system within one year from the date this Act becomes law.

**Section 4.** Sections 1, 2 and 3 of this Act are not severable. If any part of the said sections is decided invalid or unconstitutional, such declaration shall cause the entire Act to be void.

**Section 5.** All laws or parts of laws which conflict with this Act are hereby repealed insofar as they conflict with this Act.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 532

S. 713—Stewart and Teague

## AN ACT

Relating to Calhoun County; to provide for the salaries of certain officials of the county to become effective upon the expiration of the present terms of office of the incumbent officeholders, and to provide an additional expense allowance for said officials which will terminate upon the expiration of their present term of office; and to provide further for the salaries of the License Commissioner and Coroner which shall be effective immediately.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Upon the expiration of the present terms of office held by the incumbent officeholders of Calhoun County named hereinbelow, such county officials shall receive the following annual salaries, payable in equal monthly installments from the general fund of the county:

|                                           |          |
|-------------------------------------------|----------|
| Sheriff                                   | \$22,500 |
| Chairman of County Commission             | 22,500   |
| Tax Assessor                              | 22,500   |
| Tax Collector                             | 22,500   |
| Probate Judge                             | 22,500   |
| Associate Members of County<br>Commission | 14,250   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

**Section 2.** Effective October 1, 1978, the following officers of Calhoun County shall receive in addition to any other compensation, fees and expense allowances provided by law, an annual expense allowance as follows:

|                                           |         |
|-------------------------------------------|---------|
| Sheriff                                   | \$4,350 |
| Chairman of County Commission             | 4,250   |
| Tax Assessor                              | 4,250   |
| Tax Collector                             | 4,250   |
| Probate Judge                             | 4,250   |
| Associate Members of County<br>Commission | 6,450   |

The expense allowances herein provided shall be payable in equal monthly installments from the county treasury and shall automatically terminate upon the expiration of the current term of

office of the incumbent county officers provided for in this section.

**Section 3.** Effective immediately, the salaries of the License Commissioner and the Coroner of Calhoun County shall be as follows:

|                      |          |
|----------------------|----------|
| License Commissioner | \$20,500 |
| Coroner              | 11,000   |

The salaries herein provided, when they become effective, shall be the total compensation payable to said officials, in lieu of any salary, expense allowance, or other compensation provided by law.

**Section 4.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 5.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 533

S.J.R. 422—Fine

### SENATE JOINT RESOLUTION

PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1978 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that an election upon all constitutional amendments proposed by an act of the 1978 Regular Session of the Alabama Legislature is ordered to be held on September 26, 1978, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary or general election.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 534

S. 113—Higginbotham

## AN ACT

To exempt Smith's Water Authority in Lee County, Alabama, from the provisions of Section 40-21-82 of the Code of Alabama of 1975, which levies a certain tax on the gross receipts and gross sales of certain utilities.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Smith's Water Authority in Lee County, Alabama, is hereby exempt from all taxes levied under the provisions of Section 40-21-82 of the Code of Alabama of 1975.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 535

S. 144—Higginbotham

## AN ACT

To name the National Guard Armory now under construction in Opelika, Lee County, Alabama, "Fort Alfred C. Harrison."

WHEREAS, Major General Alfred Carlisle Harrison is a native and lifelong resident of Opelika, Lee County, Alabama, who was educated in the public schools of that city; he was a 1933 graduate of Auburn University and graduated Command and General Staff College, Advance Course, Leavenworth, Kansas in 1953; and

WHEREAS, General Harrison was commissioned a 2nd Lieutenant, ROTC, in 1933 and served in the Pacific during World War II with the United States Army; and

WHEREAS, he was a member of the Army National Guard from 1952 until his retirement on January 15, 1971; in 1963 he was appointed Adjutant General of Alabama and was reappointed in

1968, serving under three governors of the State of Alabama; now therefore,

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That the National Guard Armory now under construction in Opelika, Lee County, Alabama, is hereby designated, "Fort Alfred C. Harrison."

**Section 2.** The Armory Commission is directed to cause appropriate signs and markers to be erected and maintained in so designating the said National Guard Armory, "Fort Alfred C. Harrison."

**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 536

S. 314—McMillan

### AN ACT

To amend Section 34-24-75 of the Code of Alabama, 1975, so as to provide for the issuing of limited certificates of qualification to practice medicine without examination to physicians enrolled in approved residency training programs.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** That Section 34-24-75 of the Code of Alabama, 1975, be and the same is hereby amended to read as follows:

Section 34-24-75. Certain certificates issued without examination. The state board of medical examiners may issue in behalf of a commissioned officer of the medical corps of the army, the navy, the air force, or the public health service of the United States a certificate of qualification without examination, provided that such commissioned officer presents to said board a commission or other satisfactory evidence showing that he is such medical officer; but upon the face of the certificate so issued it shall appear that the certificate was issued pro forma and without examination. Provided, however, that upon the release from active service of any physician to whom a certificate of qualification is issued under this subsection, such certificate shall automatically expire without notice. Physicians to whom a certificate is issued under this subsection shall be required to pay to the Board of Medical

Examiners the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity.

(b) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of full time employed physicians teaching in the Medical College of Alabama, or any other medical college in Alabama, approved by the Association of American Medical Colleges or said board. The dean of the medical college located in this state shall be required to annually certify to the board the names of members of the college's faculty who have not had issued in their behalf a certificate of qualification by said board and who in the opinion of said dean possess such qualifications as the board has or may prescribe including qualifications in the basic sciences, medical education and other qualifications. The dean is submitting said certificate of qualifications shall submit in addition to the certificate and other information required a dossier on said applicant to include the following: Name, residence of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees medical training degrees and experience, internships by years and place, any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The statement shall be signed by the said applicant under oath. The dean shall verify said records including the last statement upon "information and belief." Said record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause. If the said board concurs in the opinion of said dean the board may waive any requirement of examination, or citizenship, but such teacher applicants must be at least twenty-one years of age and of good moral character. Physicians having certificates issued hereunder must limit their practice to the confines of the medical center of which the medical college is a part, and as an adjunct to their teaching functions in such college. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The state board of medical examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a particular medical center of which a certain medical college is a part and are issued pro forma without examination. Teaching physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other



physicians. Certificates of qualification issued under this subsection shall expire annually. Such teaching physicians may apply to the Board of Medical Examiners to renew their certificates of qualification, but the Board shall have full discretion to accept or reject the application for renewal. Teaching physicians to whom a certificate is issued under this subsection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the medical center in which he is employed and any such practice or attempt to practice medicine outside the confines of said medical center shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

(c) The State Board of Medical Examiners may in its discretion and subject to rules and regulations promulgated by said Board issue a certificate of qualification without examination in behalf of any physician employed full time at any state penal institution or any state mental institution or any other state institution approved by the Board of Medical Examiners. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are employed. Certification will be automatically withdrawn and automatically expires without notice when full time employment is terminated. The State Board of Medical Examiners shall make such rules and regulations as it considers necessary to carry out the purpose of this Section. Certificates issued hereunder and licenses based thereon shall state on their face that such practice is limited to the confines of a state institution and are issued pro forma without examination. Physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said Board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such physicians may apply to the Board of Medical Examiners to renew their certificates of qualification, but the Board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the Board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the Board for renewal of certificates issued under this subsection shall not exceed fifteen dollars.

Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he is employed and any such practice or attempt to practice medicine outside the confines of said institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

(d) The state board of medical examiners may in its discretion and subject to rules and regulations promulgated by said board issue a certificate of qualification without examination in behalf of physicians enrolled in a residency training program approved by the board. The board shall also have the authority to require such verification and certification as it deems necessary to insure that the applicant is qualified for a certificate of qualification. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are placed pursuant to their training program. Certification will be automatically withdrawn and automatically expires without notice when the physician is no longer enrolled in the training program. The state board of medical examiners shall promulgate such rules and regulations as it considers necessary to carry out the intent of this subsection. Certificates issued hereunder and licenses based thereon shall state on their faces that such practice is limited to the confines of the institution in which the physician is placed pursuant to his training program and shall specifically name that institution. Certificates issued hereunder and licenses based thereon shall also state on their faces that they are issued pro forma without examination. Any physician in whose behalf a certificate of qualification is issued hereunder shall be subject to having his certificate of qualification suspended or revoked by said board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Such physicians may apply to the board of medical examiners to renew their certificates of qualification, but the board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by reciprocity. Fees charged by the board for renewal of certificates issued under this subsection shall not exceed fifteen dollars. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he is placed pursuant to his training program and any such practice or attempt to practice medicine outside the confines of said institution shall

result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

**Section 2.** Effective date - This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**Section 3.** Repeal - All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

**Section 4.** Severability - The provisions of this act are severable. If any portion of this act be held unconstitutional or invalid, it shall not affect any portion of this act not in itself unconstitutional or invalid.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 537

S. 344—Fine

### AN ACT

To amend the title and Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), so as to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; and to prescribe penalties for violations.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The title of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), is hereby amended to read as follows:

“An Act To provide for and authorize the incorporation of a public corporation as a political subdivision of the State to be named Bear Creek Development Authority, for the development of Bear Creek, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation and related purposes; to provide for the composition of the board of directors of the Authority; to specify the powers and duties of the Authority and its board of directors; to authorize the Authority to investigate the resources of the Bear Creek watershed, to determine requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective; to authorize the Authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein; to make provisions

respecting the establishment and revisions of rates, fees and charges for services rendered by the Authority; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the Authority or out of the revenues of any particular facilities and other property of the Authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued; to provide that such bonds and notes shall constitute negotiable instruments; to provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper application of its revenues and the proceeds of such bonds and notes and by a non-foreclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and to provide that bonds and notes of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by the Authority of obligations respecting facilities and other property acquired by the Authority; to provide for the use of the proceeds of bonds and notes issued by the Authority; to provide for the refunding, by the issuance of bonds and notes of the Authority, of bonds and notes therefore issued or obligations theretofore assumed by it; to provide that bonds and notes issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, municipality or other political subdivision of the State; to authorize Marion, Colbert, Franklin and Winston Counties and the municipalities located therein to contribute money to the Authority, without the necessity of an election and with or without consideration therefor; to exempt from all taxation in this State, the Authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the Authority is a party, and to exempt the Authority from payment of certain charges to Judge of Probate; to provide that the Authority shall be exempted from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the State by the Authority; to provide that it shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit authorizing such person or persons to use said facility; to prescribe penalties for violations; and to provide for certain annual reports by the Authority."

**Section 2.** Section 7 of Act No. 584, H. 449 of the 1965 Regular Session (1965 Acts, p. 1080), is hereby amended to read as follows:

**“Section 7. Rates and Charges.** Rates, fees and charges for services rendered by the Authority from any of its facilities shall be fixed and from time to time revised by the Authority; provided, that such rates, fees and charges shall be so fixed as at all times to provide funds at least sufficient (a) to pay the cost of operating, maintaining, repairing, replacing, extending and improving the facilities and other property from which such services are rendered; (b) to pay the principal of and the interest on all bonds issued and obligations assumed by the Authority, that are payable out of the revenues derived from the operation of those facilities, as the said principal and interest become due and payable; (c) to create and maintain such reserves for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the Authority hereunder or in any resolutions of the board of directors authorizing the issuance of bonds, the assumption of any obligation, or the acquisition of any such facilities and other property, and (d) to make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the several states, municipalities, counties, departments, authorities, agencies and political subdivisions of the several states and any public corporations organized under the laws of the several states as the Authority may have contracted to make.

“Any schedule or schedules of rates and other charges adopted by the board (i) may provide for the rendition by the Authority to customers served by it of combined statements or bills for service furnished from one or more of its facilities, (ii) may permit the Authority to decline to accept payment of charges for services from any of its said facilities, without payment of charges for service at the same premises from any one or more of its other facilities, (iii) may provide for discontinuance of service from any or all of its facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any part of the facilities of the Authority, and (iv) may provide for the payment of connection fees, disconnection fees, and reconnection fees, and (v) may require, as a prerequisite to the rendition of any service, the making of a deposit as security for payment of bills, on which deposit the Authority shall not be obligated to pay or allow interest.

“It shall be unlawful for any person to use any facility operated and maintained by Bear Creek Development Authority without first obtaining a user permit. Said permits are to be issued by and may be obtained from Bear Creek Development Authority or any of its authorized vendors during normal business hours. Any person found guilty of violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine

of not more than one hundred dollars (\$100.00)."

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 538

S. 367—Powell

### AN ACT

To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 36-22-16 Code of Alabama, 1975, is hereby amended to read as follows:

"§ 36-22-16. COMPENSATION.

"(a) Sheriffs of the several counties in this state shall be compensated for their services by an annual salary payable in equal installments out of the county treasury as the salaries of other county employees are paid. The annual salary of the sheriff shall be \$20,000.00, commencing with the next term of office, unless a higher or lower salary is specifically provided for by law by general or local act heretofore or hereafter enacted.

"(b) Such salary shall be in lieu of all fees, compensation, allowances, percentages, charges and costs, except as otherwise provided by law. The sheriff and his deputies shall, however, be entitled to collect and retain such mileage and expense allowances as may be payable according to law for returning or transferring prisoners and insane persons to or from points outside the county."

**Section 2.** All laws or parts of laws which conflict with this Act are repealed.

**Section 3.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 539

S. 424—Owen

### AN ACT

Relating to motor vehicle dealers; providing for the licensing of motor vehicle dealers, reconditioners, or rebuilders, and wholesalers, providing for qualifications and fees, including the requirement that motor vehicle dealers have a State sales tax number; prescribing information to be included in application; requiring certain records to be kept; providing a penalty; providing for suspension or revocation of license; requiring a bond or evidence of net worth; providing for severability; providing an effective date.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Definitions. The following words, terms and phrases when used in this section shall have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(a) "Commissioner" means the state commissioner of revenue.

(b) "Motor Vehicle" means any motor vehicle as defined in § 40-12-240, Code of Alabama 1975, as amended, but shall not include trailers, semi-trailers or house trailers as defined in § 40-12-240, Code of Alabama 1975, as amended.

(c) "Motor Vehicle Dealer" means any person, firm or corporation engaged in the business of buying, selling, exchanging or negotiating the sale of motor vehicles at retail, whether or not such motor vehicles are owned by such person, firm or corporation, or in offering or displaying motor vehicles for sale at retail to public. The term "selling" or "sale" shall include lease-purchase transactions. The term "Motor Vehicle Dealer" does not include banks and finance companies who acquire motor vehicles as an incident to their regular business and does not include motor vehicle rental and leasing companies. Nor shall this include an individual or firm disposing of a motor vehicle acquired for his or its use.

(d) "Motor Vehicle Reconditioner" means any person, firm or corporation engaged in the business of refurbishing, repairing, or replacing damaged parts of motor vehicles for the purpose of preparing such vehicle for resale under the same identification and identity as the vehicle bore before such refurbishing.

(e) "Motor Vehicle Rebuilder" means any person, firm or corporation engaged in the business of making or causing to be made extensive repairs, replacements, or combination of different motor vehicles to the extent of extinguishing identity of the original vehicle to the extent that the finished motor vehicle must be assigned a new identification to be issued by the Department of Revenue under the provision of Act No. 76, 1973 Regular Session.

(f) "Motor Vehicle Wholesaler: means any person, firm or corporation engaged in the business of buying, selling or exchanging motor vehicles at wholesale to motor vehicle dealers as defined in this Act and not to the public.

**Section 2.** License required. No person shall be licensed as an automobile dealer under the provisions of § 40-12-51, Code of Alabama 1975, nor shall any person engage in business as, serve in the capacity of or act as a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler in this state without first obtaining a license therefor as provided in this Act, and if a motor vehicle dealer, a State sale tax number.

**Section 3.** Application and fee.

(a) The application for said license shall be in such form and shall be subject to such rules and regulations as may be prescribed by the commissioner. Such application shall be verified by the oath or affirmation of the applicant. If the applicant is a sole proprietorship, the application shall contain the name and residence of the applicant. If the applicant is a partnership, the application shall contain the names and residences of each partner thereof. If the applicant is a corporation, the application shall contain the names and residences of the officers and directors thereof. If the applicant is a motor vehicle dealer, the application shall contain the State sales tax number assigned to the applicant. The application shall describe the exact location of the place of business and shall state that such location is a permanent one; that such location affords sufficient space upon and within which to adequately display one or more motor vehicles offered for sale and that an appropriate sign designates the location as being that place of business of a motor vehicle dealer; that it is a suitable place from which the applicant can in good faith carry on such business and keep and maintain books and records necessary to conduct such business, which shall be available at all reasonable hours for inspection by the commissioner. The application shall state that the applicant is either: (1) franchised by a manufacturer of motor vehicles, and, if so, the name of the manufacturer that the applicant is authorized to represent, or (2) an independent motor dealer, reconditioner, rebuilder or wholesaler. Upon making such



application the person applying therefor shall pay an application fee of Ten Dollars (\$10.00) to the commissioner in addition to any other fees now required by law. The Commissioner may cause an investigation to be made and upon being satisfied that the facts set forth in the application are true, shall issue a license to the applicant.

(b) Provided, however, that a motor vehicle reconditioner, motor vehicle rebuilder, or a motor vehicle wholesaler shall not be required to maintain a sign designating the location, and may maintain books, records, and files of his business at his home, provided that such books, records and files shall be accessible and available for inspection by the commissioner, his inspectors or employees, during normal business hours on usual business days; and the location may be adjacent to his residence.

(c) Provided further that if a motor vehicle reconditioner, a motor vehicle rebuilder or a motor vehicle wholesaler shall also be a motor vehicle dealer within the meaning of this Act that he shall qualify with the commissioner both as a motor vehicle dealer and motor vehicle reconditioner or motor vehicle rebuilder or motor vehicle wholesaler, and shall file his application and pay the fee for each business, and shall comply with the requirements of paragraphs 3(a) and 3(b) of this Act as to the business location for each business licensed by the commissioner.

(d) Provided further that a motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler may not sell any motor vehicles or component parts thereof to anyone other than a licensed motor vehicle dealer, motor vehicle wholesaler, or other motor vehicle reconditioner or motor vehicle rebuilder, or as salvage.

**Section 4.** License certificate. A license certificate shall be issued by the commissioner in accordance with such application when the same shall be in compliance with the provisions of this Act. Such license shall entitle the licensee to carry on and conduct the business of a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler as the case may be for a period of one year from the first day of October of each year.

**Section 5.** Supplemental license. A person licensed hereunder shall obtain a supplemental license for each additional place of business, on a form to be furnished by the commissioner and upon payment of an additional application fee of five dollars (\$5.00) for each such additional location. Only one licensed dealer shall operate at the same place of business, provided that a licensed motor vehicle reconditioner or motor vehicle rebuilder may operate on the premises for which he is licensed to operate as a

motor vehicle dealer.

**Section 6.** Records to be kept by licensee. Every licensee shall keep books and records in such form as may be approved by the commissioner, in which he shall record the purchase, sale or exchange or receipt for the purpose of sale of every motor vehicle purchased or sold or held for sale by him which shall include a description of each vehicle together with the name and address of the seller, purchaser or owner of vehicles held by him for sale. Such description shall include the identification number of each such vehicle and shall also include a statement that the identification number has been obliterated, defaced or changed if such be the fact.

**Section 7.** Penalty. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor upon conviction and shall be punished by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for not less than thirty (30) nor more than ninety (90) days, or by both such fine and imprisonment.

**Section 8.** Suspension or revocation. The commissioner may suspend or revoke any license issued for the wilful and intentional failure of the licensee to comply with the provisions of this Act or to wilfully fail to maintain his business premises, location and sign as described in his application. However, at least ten (10) days notice of the intention to revoke such license and of the reasons therefor shall be served by the commissioner on the licensee stating a time and place of a hearing thereon in the county of the licensee's residence.

**Section 9.** Any person, firm or corporation denied a license or whose license has been cancelled, suspended or revoked by the commissioner may file a petition within thirty (30) days thereafter in the Circuit Court of the county of his residence, and such court is hereby vested with jurisdiction to take testimony and examine into the facts of the case and to determine whether petitioner is entitled to a license or is subject to suspension, cancellation or revocation under the provisions of this Act.

**Section 10.** Bond or net worth statement. Annually before any license shall be issued to a motor vehicle dealer, motor vehicle reconditioner, motor vehicle rebuilder, or motor vehicle wholesaler, the applicant shall either deliver to the commissioner a good and sufficient surety bond, executed by the applicant as principal and by a corporate surety company qualified to do business in the State as surety, in the sum of five thousand dollars (\$5,000.00), or file with the commissioner as a part of the application, a condensed balance sheet as of a date not more than

three (3) months prior to the date of issuance of such license in a form prescribed by the commissioner and sworn to by the applicant, evidencing a net worth of not less than twenty-five thousand dollars (\$25,000.00). Such bond shall be in a form to be approved by the commissioner, and shall be conditioned that the motor vehicle dealer, motor vehicle reconitioner, motor vehicle rebuilder or motor vehicle wholesaler shall comply with the conditions of any contract made by such dealer in connection with the sale or exchange of any motor vehicle and shall not violate any of the provisions of law relating to the conduct of the business for which he is licensed. Such bond shall be payable to the commissioner and to his successors in office, and shall be in favor of any person who shall recover any judgment for any loss as a result of any violation of the conditions hereinabove contained. Such bond shall be for the license period and a new bond or proper continuation certificate shall be delivered to the commissioner at the beginning of each license period; provided, however, that the aggregate liability of the surety in any one license year shall, in no event, exceed the sum of such bond. The provisions of this Section 10 shall not apply to motor vehicle dealers or wholesalers who hold a valid motor vehicle dealer license under § 40-12-51 of the Alabama Code of 1975, or to motor vehicle rebuilders or reconitioners as defined in this Act who hold a valid business license to engage in such business as of April 1, 1978.

**Section 11.** Disposition of application fees collected. The commissioner shall deposit the application fees collected under the provisions of this Act in the general fund of the state.

**Section 12.** It is declared to be the legislative intent that, if any section, subsection, paragraph, sentence, clause or provision of this Act is held invalid, the remainder of the Act shall not be affected.

**Section 13.** This bill shall become law on October 1, next after its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 540

S. 425—Owen

### AN ACT

To amend Sections 12-260 and 12-266 of Title 40, Code of Alabama 1975, and Act No. 35, Acts of Alabama, Regular Session, 1945, in order to provide for the

report of change of ownership of a previously licensed motor vehicle and for the record of transfer of a motor vehicle license tag to be made to the Probate Judge of the County where the owner resides; to exempt licensed motor vehicle dealers from filing such reports of change of ownership for vehicles held for sale; to provide procedures to be followed in making such reports and records; to increase the fee charged by the Probate Judge for recording the change of ownership of a motor vehicle to one dollar (\$1.00).

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 12-260 of Title 40, Code of Alabama 1975, is hereby amended to read as follows:

“(a) When proper motor vehicle license tags shall have been bought for the current tax year for a motor vehicle and such motor vehicle has been sold or transferred to a new owner or to new owners, either once or successively, such motor vehicle license tags shall remain on such motor vehicle in the hands of the new owner or successive owners for the balance of the tax year, except for license tags issued pursuant to Title 32, Sections 6-70, 6-90, 6-110, 6-130, 6-150 and 6-170, Code of Alabama 1975, as amended, which shall remain with the eligible owner, and no new or other license tags need be taken out for the operation of such motor vehicle until the beginning of the next tax year. The new owner of a motor vehicle shall file within 10 days from the change in ownership, on forms provided by the department of revenue, a report of the change in ownership with the probate judge, or other county official authorized and required by law to issue motor vehicle license tags, of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated, if the owner is a firm, corporation or association. The probate judge or other issuing officer shall, not later than the next business day after receipt of the report of the change in ownership, mail or deliver the original of the report to the department of revenue, and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the judge of probate or other issuing officer and one copy shall be furnished to the new owner. Licensed dealers in motor vehicles shall not be required to file the report of change in ownership as required herein with respect to motor vehicles acquired and held by such dealers for sale, provided any private or personal use of such motor vehicle by a dealer shall require the filing of a report of change of ownership.

“(b) No motor vehicle license tags shall be transferred from one motor vehicle to another motor vehicle, except license tags issued pursuant to Title 32, Sections 6-70, 6-90, 6-110, 6-130, 6-150 and 6-170, Code of Alabama 1975, as amended, which shall remain with the eligible owner, nor shall any motor vehicle be operated with motor vehicle license tags which were originally purchased or

taken out for use on, or for the operation of, another motor vehicle; except, that where a license tag costing \$100.00 or more exclusive of any fees or penalties incurred in the issuance of such tag has been procured for a motor truck or truck tractor, or where a license tag has been procured for a taxicab or motor bus, which motor truck or truck tractor, taxicab, or motor bus is afterwards, during the same tax year, sold by the owner thereof, such owner may, by applying to the judge of probate or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or of the county in which said motor vehicle is used or operated, if the owner is a firm, corporation or association, procure a transfer of such tag to a motor vehicle of the same class to be substituted as a motor truck, truck tractor, taxicab, or motor bus for the one sold. The record of the transfer shall be made on forms provided by the department of revenue. The probate judge or other issuing officer shall not later than the next business day after receipt of the report of transfer mail or deliver the original of the record of transfer to the department of revenue, and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the officer receiving the report of transfer and one copy shall be retained in the files of the officer receiving the report of transfer and one copy shall be furnished to the owner. The probate judge or other issuing officer shall receive a fee of \$1.00 for each transfer, such fee to be paid by the owner of such motor truck, truck tractor, taxicab, or motor bus. Provided, however, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the additional fee herein charged shall be paid by said probate judge or other issuing officer into the treasury of the county.

“(c) No motor vehicle license tags shall be transferred from one motor vehicle to another motor vehicle, except license tags issued pursuant to Title 32, Section 6-70, 6-90, 6-110, 6-130, 6-150 and 6-170, Code of Alabama 1975, as amended, which shall rewith the eligible owner, nor shall any motor vehicle be operated with motor vehicle license tags which were originally purchased or taken out for use on, or for the operation of, another motor vehicle; except, that where a license tag costing \$100.00 or more exclusive of any fees or penalties incurred in the issuance of such tag has been procured for a motor truck or truck tractor or where a license tag has been procured for a taxicab or motor bus, which motor truck or truck tractor, taxicab, or motor bus is afterwards, during the same tax year, destroyed or junked, by the owner thereof, such owner may, by applying to the judge of probate or other county official authorized and required by law to issue motor vehicle license tags of the county of owner's residence, if the owner is an individual, or

the county in which said motor vehicle is used or operated, if the owner is a firm, corporation or association, procure a new license tag for a fee of \$1.00, provided, the new motor vehicle tag is issued for a motor vehicle of the same class to be substituted as a motor truck, truck tractor, taxicab, or motor bus for the one so destroyed or junked. Such fee shall be paid by the owner of such motor truck, truck tractor taxicab, or motor bus to the judge of probate or other issuing officer. Provided, however, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the fee herein provided for shall be paid by such probate judge or other issuing officer into the treasury of the county.

“(d) When a motor vehicle is acquired under legal proceedings or is repossessed under authority of conditional sales contract, security agreement, mortgage, or other lien, the person so acquiring such motor vehicle shall file within 10 days of such acquisition with the probate judge, or other county official authorized and required by law to issue motor vehicle license tags, of the county of owner’s residence, if the owner is an individual, or the county in which said motor vehicle is used or operated, if the owner is a firm, corporation or association, a copy of such court order or memorandum of sale, signed by the auctioneer or other person selling the same at foreclosure or under conditional sales contract, security agreement, mortgage, or lien, along with a report of the change in ownership, prepared on forms provided by the state department of revenue, and such order or memorandum shall be properly noted on the duplicate license record and retained in the office of the probate judge, or other issuing officer. The probate judge or other issuing officer shall not later than the next business day after receipt of the report of the change in ownership, mail or deliver the original report of the change in ownership to the state department of revenue, and one copy to the probate judge or other issuing officer of the county where the motor vehicle license tag was issued. One copy shall be retained in the files of the probate judge or other issuing officer receiving such report, court order or memorandum, and one copy shall be furnished to the new owner.

“(e) Any person who acquires a motor vehicle and fails to report the change in ownership to the probate judge or other county official authorized and required by law to issue motor vehicle license tags, of the county of owner’s residence, if the owner is an individual, or the county in which said motor vehicle is operated, if the owner is a firm, corporation or association, or who fails to file a copy of the court order or memorandum of sale when a motor vehicle is acquired under legal proceedings or is repossessed, within 10 days from the date upon which the motor vehicle was

acquired or repossessed, shall be penalized the sum of \$1.50. The penalty shall be allowed the probate judge or other issuing officer and shall be paid to him when the change of ownership is reported or when the court order or memorandum of sale is filed. Any person, firm, or corporation engaged in the business of selling or otherwise disposing of motor vehicles shall furnish each purchaser of a motor vehicle with a legal bill of sale or invoice on which there shall be printed, stamped, or otherwise inscribed thereon in a bold and conspicuous manner the words: 'Penalty of \$1.50 due if not transferred within 10 days.' It shall be the duty of the person who acquires a motor vehicle to make application to the probate judge or other issuing officer, of the county of his residence, if the owner is an individual, or the county in which said motor vehicle is operated, if the owner is a firm, corporation or association, for transfer of ownership. Where such application form is not completed prior to the time the applicant submits it to the probate judge or other issuing officer, it must then be completed or filled out completely by the probate judge, or other issuing officer, and an additional fee of \$.25 may be charged by the probate judge or other issuing officer. Such additional fee shall be paid to the probate judge or other issuing officer by the new owner; provided, however, that in all counties where the probate judge or other issuing officer, is paid on a salary basis instead of a fee basis, the additional fee herein charged shall be paid by said probate judge or other issuing officer into the treasury of the county.

"(f) Any person failing to perform the duty required of him by the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$25.00 nor more than \$100.00 for each offense."

**Section 2.** Section 1 of Act No. 35, Acts of Alabama, Regular Session, 1947 (Title 40, Section 12-261, Code of Alabama 1975), is hereby amended so as to read as follows:

"Section 1. A fee of \$1.00 shall be charged by the judge of probate or other county official authorized and required by law to issue motor vehicle license tags for recording the change of ownership of an automobile or other motor vehicle, as provided by Title 40, Section 12-260. Said fee shall be paid to the judge of probate or other issuing officer by the new owner; provided, however, that in all counties where the probate judge or other issuing officer is paid on a salary basis instead of a fee basis, the fee herein charged shall be paid by said probate judge or other issuing officer into the treasury of the county.

**Section 3.** Section 12-266 of Title 40, Code of Alabama 1975, is hereby amended so as to read as follows:

"In case a motor vehicle, passenger car, motor bus or motor truck shall be either totally destroyed by fire or totally wrecked, or completely junked, the owner of said vehicle shall have the right to purchase another set of motor vehicle license tags from the state department of revenue in return for the payment of \$1.00 for said replacement motor vehicle.

**Section 4.** The provisions of the Uniform Certificate of Title and Antitheft Act, Title 32, §§ 8-1 through § 8-87, Code of Alabama 1975, as amended, shall not be affected by the provisions of this Act. However, all other laws or parts thereof which conflict with the provisions of this Act are hereby repealed.

**Section 5.** The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** The Commissioner of Revenue shall issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

**Section 7.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 541

S. 469—Little, Higginbotham

### AN ACT

To amend Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 which provided for supplementing the compensation paid to retired or supernumerary circuit judges in the 37th Judicial Circuit so as to further restrict eligibility for such supplemental compensation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of Act No. 130, S. 15 of the Fourth Special Session of 1975 is hereby amended to read as follows:

"Section 1. Any supernumerary Circuit Judge or retired Circuit Judge in the 37th Judicial Circuit of Alabama who shall have attained the age of 75 years shall, in the discretion of the county commission of the county comprising of the circuit be entitled to receive as additional compensation payable from the treasury of such county, a sum equal to 40% of the compensation



paid said judge by the State of Alabama. The salaries or compensation provided for herein is supplementary to the salaries or compensation paid such judges by the state and shall be paid out of the general funds of the county in twelve equal monthly installments on warrants properly drawn against such funds. After May 1, 1978, no other judge or judges of said circuit shall qualify for the salaries or compensation provided for herein. Provided, however, that this limitation shall not be construed so as to terminate on said date any such salaries or compensation now in effect for such judge or judges."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 542

S. 490—Little

### AN ACT

To make an emergency supplemental appropriation from the Alabama Special Educational Trust Fund to the Randolph County Board of Education to be used to restore or replace the Folsom Junior High School which was damaged by fire.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated the sum of \$26,700.00 from the Alabama Special Educational Trust Fund in the state treasury to the Randolph County Board of Education to be used to restore or replace, including the purchase of equipment, books and supplies, the Folsom Junior High School which was damaged by fire.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 543

S. 554—Proctor, Gilmore, Stewart  
and Teague

### AN ACT

Relating to the eighteenth judicial circuit; providing for an additional circuit court judge in such circuit and prescribing the duties, authority, and compensation of such judge.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby created an additional circuit judgeship for the eighteenth judicial circuit, which shall be designated as judgeship number 3. The existing judgeships shall continue to be designated as judgeships number 1 and 2. The additional judge shall be elected at the next general election and shall hold office for six years or until his successor is elected as provided in Article VI, Section 6.13 of the Constitution of Alabama.

**Section 2.** The compensation and allowances of such judge shall be paid in the same amount and under the same terms and manner as that of the other judges of the eighteenth judicial circuit.

**Section 3.** All salaries payable under this act which may be paid by the state under its general law shall be paid by the state. All salaries which may not be paid by the state under its general law shall be paid by the counties composing said eighteenth judicial circuit.

**Section 4.** This Act shall be liberally construed in order to accomplish the beneficial purposes herein sought including all powers and duties of other circuit judges in this state. The provisions of this Act are severable. Should any section or part of this Act be declared invalid or unconstitutional by any court, such declaration shall not affect the part which remains.

**Section 5.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 544

S. 580—Edwards

### AN ACT

To further regulate the county supplemental allowances payable to the district attorney for the 8th Judicial Circuit.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The district attorney for the eighth judicial circuit shall be entitled to a supplemental allowance in a sum equal to that paid, from the county treasury, to the circuit judges.

Such supplemental allowance shall be in lieu of any other supplemental payments by the county, but shall be paid in the same manner as any other supplemental payments were previously paid.

**Section 2.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 3.** The provisions of this Act shall become effective on the first Monday after the second Tuesday of January, 1979.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 545

S. 586—Higginbotham and Adams  
AN ACT

To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Georgia to identify, acquire, own, transport, renovate, maintain, and exhibit historic or military articles, exhibits and attractions; to promote tourism throughout the Chattahoochee Valley; to establish a joint agency to be known as the Historic Chattahoochee Commission and other offices for the administration of the compact; to prescribe the authority, powers, duties and functions of the Commission and its members, officers, and committees; and to provide penalties for violation of certain provisions of the compact.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Governor on behalf of this State is hereby authorized to execute a compact, in substantially the following form, with the State of Georgia; and the Legislature hereby signifies in advance its approval and ratification of such compact, which compact is as follows:

**HISTORIC CHATTAHOOCHEE COMPACT**

**ARTICLE I.** The purpose of this compact is to promote the cooperative development of the Chattahoochee Valley's full potential for historic preservation and tourism and to establish a joint interstate authority to assist in these efforts.

**ARTICLE II.** This compact shall become effective immediately as to the States ratifying it whenever the States of Alabama and Georgia have ratified it and Congress has given consent thereto.

**ARTICLE III.** The States which are parties to this compact (hereinafter referred to as "party states") do hereby establish and create a joint agency which shall be known as the Historic Chattahoochee Commission (hereinafter referred to as the

"Commission"). The Commission shall consist of twenty-eight members who shall be appointed by the historical commission or organization or similar historical body or other designated authority in each of the counties represented by the Commission who shall be bona-fide residents and qualified voters of the party states. In Alabama, two shall be residents of Barbour County, two shall be residents of Russell County, two shall be residents of Henry County, two shall be residents of Chambers County, two shall be residents of Lee County, two shall be residents of Houston County, and two shall be residents of Dale County. If there are two historical organizations in any of said counties, then one Commission member shall be selected from each organization; if there are more than two organizations in any such county, then the organization shall meet and decide on the designation of members which will represent their respective county. In Georgia, one shall be a resident of Troup County, one shall be a resident of Harris County, one shall be a resident of Muscogee County, one shall be a resident of Chattahoochee County, one shall be a resident of Stewart County, one shall be a resident of Randolph County, one shall be a resident of Clay County, one shall be a resident of Quitman County, one shall be a resident of Early County, one shall be a resident of Seminole County, and one shall be a resident of Decatur County. In addition, these 11 Georgia members shall choose three at large members who shall be selected from any three of the Georgia member counties listed above. The Commission at its discretion may appoint as many advisory members as it deems necessary from any Georgia or Alabama county which is located in the Chattahoochee Valley area. The contribution of each party state shall be in equal amounts. If the party states fail to appropriate equal amounts to the Commission during any given fiscal year, voting membership on the Commission Board shall be determined as follows: The State making the larger appropriation shall be entitled to full voting membership. The total number of members from the other State shall be divided into the amount of the larger appropriation and the resulting quotient shall be divided into the amount of the smaller appropriation. The then resulting quotient, rounded to the next lowest whole number, shall be the number of voting members from the state making the smaller contribution. The members of the Commission from the State making the larger contribution shall decide which of the members from the other State shall serve as voting members, based upon the level of tourism, renovation and promotional activity, and general support of the Commission's activities by and in the county of residence of each of the members of the State making the smaller appropriation. Such determination shall be made at the next meeting of the Commission following September 30th of each year. Members of the Commission shall

serve for terms of office as follows: Of the fourteen Alabama voting members, one from each of said counties shall serve for two years and the remaining member of each county shall serve for four years. The member appointed by the older organization of each county shall serve for the four year term for the initial term of this compact. Upon the expiration of the original terms of office of Alabama members, all successor Alabama voting members shall be appointed for four year terms of office, with seven vacancies in the Alabama voting membership occurring every two years. Of the fourteen Georgia voting members, seven shall serve four year terms and seven two year terms for the initial term of this compact. The terms of the individual Georgia voting members shall be determined by their place in the alphabet by alternating the four and two year terms beginning with Chattahoochee County-four years, Clay County-two years, Decatur County-four years, etc. Upon the expiration of the original terms of office of Georgia members, all successor Georgia voting members shall be appointed for four year terms of office, with seven vacancies in the Georgia voting membership occurring every two years. Of the three Georgia at large Board members, one shall serve a four year term and two shall serve two year terms.

All Board members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the members of the Commission. The first chairman of the Commission created by this compact shall be elected by the Board of Directors from among its voting membership. Annually thereafter, each succeeding chairman shall be selected by the members of the Commission. The chairmanship shall rotate each year among the party states in order of their acceptance of this compact. Members of the Commission shall serve without compensation but shall be entitled to reimbursement for actual expenses incurred in the performance of the duties of the Commission.

**ARTICLE IV.** The headquarters of the Commission shall be selected by the Commission and shall be centrally located in the Chattahoochee Valley area. Such headquarters shall be consistent with the legitimate need of the Commission. The Commission shall hold an annual meeting at the Commission Headquarters and one-half of the then members of the Commission shall constitute a quorum for the transaction of business. Additional meetings may be held at such times and places as may be considered necessary, desirable or convenient, upon call of the chairman, or, in the case of his absence or incapacity, of the vice chairman, or, on call any three members of the Commission. The Commission shall determine and establish its own organization and procedure in accordance with the provisions of this Act and shall have an official seal. The

Commission shall elect its chairman, its vice chairman, its secretary and its treasurer, and such officers shall hold office for a period of one year or until a successor is elected. Neither the secretary nor the treasurer need be members of the Commission. The Commission may require that the treasurer thereof be bonded in an amount to be determined by the Commission.

ARTICLE V. The Commission shall have the right to adopt such rules and regulations as may be necessary to carry out the intent and purposes of this Act, and shall be authorized to provide for an executive committee of not fewer than five of its members to whom it may delegate such powers and authority as the Commission may deem to be advisable.

ARTICLE VI. No member of the Commission shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as a member of the Commission. All such expenses are to be paid from the funds of the Commission. Further, it shall be unlawful for any member of the Commission or any employee thereof to charge, receive, or obtain, either directly or indirectly, any fee, commission, retainer or brokerage out of the funds of the Commission, and no member of the Commission or officer or employee thereof shall have any interest in any land, materials, or contracts sold to, or made or negotiated with the Commission, or with any member or employee thereof acting in his capacity as a member of such Commission. Violation of any provisions of this section shall be a misdemeanor and upon conviction shall be punishable by removal from membership or employment and by a fine of not less than \$100.00 or by imprisonment not to exceed six months or both.

ARTICLE VII. The Commission shall establish and maintain at such lawful depository or depositories as it shall select, a "Historic Chattahoochee Fund" composed of the money or monies which may come into its hands from admissions, inspection fees, gifts, donations, grants, bequests, loans, bond issues, governmental appropriations or other sources, either public or private. Such funds shall be used by the Commission to pay for the purposes herein set forth, and the servicing, retirement or amortization of any bonds or other evidences of indebtedness issued by the Commission.

ARTICLE VIII. The Commission shall be authorized:

1. To investigate and select available sites for housing historic exhibits, including the surrounding grounds, with such state, federal, or local agencies and governments and private individuals, corporations, associations, or other organizations as may be involved, taking into consideration all pertinent factors affecting

the suitability of such sites; to acquire, transport, renovate, maintain and exhibit appropriate and suitable military, or historic units, articles, exhibits, and attractions; to have full, complete and exclusive jurisdiction over the sites, and any related exhibits;

2. to promote tourism throughout the Chattahoochee Valley by attending travel shows; issuing news releases, calendars of events and news letters; publishing brochures and pamphlets; constructing mobile travel exhibits; producing films and other visual presentations as may be necessary; and advertising in magazines and/or newspapers;

3. to acquire by rent or lease agreement or otherwise, the necessary housing facilities; and to establish, improve and enlarge available facilities, including providing them with necessary equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters;

4. to enter into such contracts and cooperative agreements with the local, state, and federal government, with agencies of such governments with private individuals, corporations, associations, and other organizations, as the Commission may deem necessary or convenient to carry out the purposes of this Act, with such contracts and agreements to include leases to private industry;

5. to borrow money from private sources, the state emergency fund, or such other source as may be acceptable to the Commission under such terms and conditions as may be provided by law, and, in order to provide security for the repayment of any such private loans, the Commission shall have the authority to pledge such future revenues from admissions and any other sources as may from time to time, be necessary or desirable;

6. to issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain its property, and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

7. to make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the Commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

8. to accept public or private gifts, grants and donations;

9. to acquire property by purchase, lease, gift, or license; and to dispose of any property of the Commission when, in the opinion of

the Commission such disposition is deemed expedient;

10. to allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury, for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this Act;

11. to sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own, and to transfer, assign, sell, convey, or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

12. to hire such laborers, artisans, caretakers, technicians, stenographers and administrative employees and supervisory and professional personnel as may be necessary or advisable for the carrying out in the most efficient and beneficial manner of the purposes and provisions of this Act;

13. to employ an executive director who shall serve at the pleasure of the Commission, who shall be responsible directly to the Commission, whose compensation shall be fixed by the Commission, whose duties and authority shall be designated by the Commission, and who shall be paid from funds of the Commission;

14. to make such rules and regulations as the Commission may deem necessary and desirable to provide for the operation, management and control of its facilities;

15. to perform such other acts necessary or incidental to the accomplishment of the purposes of this Act whether or not specifically authorized in this section, and not otherwise prohibited by law.

**ARTICLE IX.** The Commission shall constitute a public body corporate and shall have, in addition to those set forth specifically in this Act; all powers necessary or convenient to effect the purposes for which it has been established under and by the terms of this Act, together with all powers incidental thereto or necessary to the discharge of its said powers and duties.

**ARTICLE X.** The Commission, its property and income and all bonds issued by the Commission, the income from such bonds, or from the investment of such income, and all conveyances, leases, mortgages, and deeds of trust by or to the Commission shall be exempt from all taxation in the State of Alabama and the State of Georgia.

**ARTICLE XI.** All obligations incurred by the Commission and all bonds issued by it shall be solely and exclusively an



obligation of the Commission and shall not create an obligation or debt of the State of Alabama or the State of Georgia or any county or municipality of either.

**ARTICLE XII.** The Commission shall maintain at all times accurate records and books of account covering revenues and expenditures. Such records and books shall be available for audit at any time by the department of examiners of public accounts, and shall be audited at least every two years in the same manner as audits are made of other state agencies and departments.

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** Act No. 25, H. 34, 1970 Special Session (Acts 1970, p. 2623), as amended, and all laws or parts of laws in conflict with the provisions of this Act shall be repealed immediately upon the ratification by the State of Georgia of the compact herein ratified by the State of Alabama, and the consent of Congress thereto.

**Section 4.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 546

S. 614—Edwards

### AN ACT

Relating to Morgan County; further regulating the sheriff's compensation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** At the expiration of the term of office of the present sheriff, the total compensation payable to the sheriff, including all fees, expense allowances and salary, shall be eighteen thousand five hundred dollars (\$18,500.00) per annum, payable from the county general funds in the same manner as are salaries for other county officers. All fees or monies collected by the sheriff and now reserved to him shall be paid into the county treasury.

**Section 2.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this Act are hereby repealed.

**Section 4.** The provisions of this Act shall become effective on the first day of the month, following its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of Section 1 shall become effective on the expiration of the term of office of the present sheriff.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 547

S. 615—Edwards

### AN ACT

Relating to Morgan County; providing a salary of \$20,000 for the Chairman of the County Commission and \$14,000 for each commissioner, effective after the present term.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this act shall apply to Morgan County.

**Section 2.** The Chairman of the County Commission shall receive an annual salary of \$20,000.

**Section 3.** Each Commissioner shall receive an annual salary of \$14,000.

**Section 4.** This change in salary shall take effect upon the expiration of the present term of office of the member whose term first expires.

**Section 5.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 6.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 7.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 548

S. 616—Edwards

## AN ACT

Relating to Morgan County; further regulating the compensation payable to the judge of probate.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The probate judge of Morgan County shall be entitled to an expense allowance, payable from the county treasury, not to exceed four thousand five hundred dollars (\$4,500) per annum. Such allowance shall be paid in the same manner as are other county supplements.

**Section 2.** At the expiration of the present term of office of the judge of probate his total compensation shall be eighteen thousand five hundred dollars (\$18,500) per annum, payable from the county treasury, in equal monthly installments. Such compensation shall be in lieu of any fees, salary, expense allowance or other compensation.

**Section 3.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 4.** All laws or parts of laws, whether general, special or local, which conflict with this act are hereby repealed.

**Section 5.** The provisions of this act shall become effective on the first Monday after the second Tuesday of January 1979, after its passage and approval by the Governor or its otherwise becoming a law; provided, however, that the provisions of Section 2 shall become effective as provided therein.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 549

S. 629—Higginbotham

## AN ACT

Relating to Lee County, to provide further for the salary of the sheriff and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The sheriff of Lee County shall receive an annual salary to \$25,000.00, payable in equal monthly installments from the county treasury. The salary herein provided shall not be

payable until the expiration of the present term of office of sheriff in said county. The salary herein provided, when it becomes effective, shall be the total compensation of the sheriff, in lieu of all other compensation and expense allowances heretofore provided by law, except that the sheriff and his deputies shall be entitled to collect and retain such mileage and expense allowances as may be payable according to law for the transportation of prisoners and insane persons to or from points outside the county.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws in conflict herewith are hereby repealed and the provisions of Act No. 1170, S. 674, 1969 Regular Session (Acts 1969, p. 2180), as amended, only insofar as it conflicts herewith are hereby expressly repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 550

S. 700—Powell

### AN ACT

Relating to Elmore County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The provisions of this act shall apply to Elmore County, Alabama.

**Section 2.** The following words and terms as used in this act shall, unless the context requires a different meaning, have the meanings respectively ascribed to them by this section:

(A.) The term "massage parlor" shall mean any establishment, building, room, or place other than a regularly licensed hospital, medical clinic, nursing home, or dispensary, the offices of a physician, a surgeon, or an osteopath, where non-medical, non-surgical, non-osteopathic, and non-chiropractic manipulative exercises, massages, or procedures are practiced upon the human body, or any part thereof, for other than cosmetic

or beautifying purposes, with or without the use of mechanical or other devices, by anyone not a physician, surgeon, osteopath, or chiropractor or of a similarly registered status, and shall include any place where baths, exercises, or similar services are offered.

(B.) The term “masseur (male) and masseuse (female)” is a person who practices any one or more of the arts of body massage, either by hand or mechanical apparatus, oil rubs, corrective gymnastics, mechonotheraphy, including color therapy, dietetics, hot packs, cabinet, tub, shower, sitz, vapor, steam, or any other special type of bath.

(C.) The word “establishment” shall mean a place of business or operation of any kind.

(D.) The word “person” shall include a firm, partnership, association of persons, corporation, organization, or any other group acting as a unit.

**Section 3.** It shall be unlawful for any person to operate a massage parlor as herein defined without first having acquired from the county governing body a license for the operation of said business as required by this act.

**Section 4.** Any massage parlor licensed by the county governing body shall at all times comply with all health regulations, rules, and requirements as shall now or hereafter be promulgated by the State Board of Health, and any premises used for the purposes of a massage parlor shall, during all hours of operation, be made open and available to inspection by duly authorized county officials for the purpose of assuring compliance with said health rules, regulations, and requirements. Each massage parlor shall be equipped with toilet and lavatory facilities for patrons and separate readily toilet and lavatory facilities for employees, and each operating area shall be equipped with a hand lavatory.

**Section 5.** (A.) No towels, wash cloths, or other linen items shall come in contact with the body or any other part thereof of any customer or patron at a massage parlor that has not been boiled and laundered since last used.

(B.) Every person applying or administering massages shall cleanse his or her hands thoroughly by washing same with soap and hot water before attending or massaging any person.

(C.) Any person while applying or administering massages shall be clothed from the shoulders to the knees by a robe, smock, or other opaque apparel so that the patron or customer shall be protected from bodily contact with the person applying or

administering the massage except for the hands and arms of said person applying or administering said massage.

(D.) Any massage parlor licensed pursuant to this act shall be equipped with running hot and cold water, and with all appliances, furnishings, and materials as may be necessary to enable persons employed in and about said massage parlor to comply with the provisions of this act.

**Section 6.** No massage parlor shall be used as and for a dormitory or place of sleep, nor shall any licensee under this act permit any massage parlor to be so used.

**Section 7.** No massage shall be administered or applied by any licensee hereunder or any employee, operator, or attendant while working for such licensee, except in or upon the premises or regular place of business of said licensee where said license is regularly displayed and at the place and location designated for the operation of said massage parlor in said license.

**Section 8.** No masseur, masseuse, or other employee or attendant in any massage parlor shall apply or administer any massage or other treatment to any person behind locked doors.

**Section 9.** Subsequent to the effective date of this act, it shall be unlawful for any masseur, masseuse, or other employee or attendant to administer massages in any massage parlor within the county without first, and within six months from the date thereof, having secured a written verification from a licensed Alabama physician that the said person or employee is free of any contagious, infectious, or communicable disease, and said masseur, masseuse, or other employee or attendant of any massage parlor shall, at all times while on duty or working in any such massage parlor, have upon his or her person, said written medical verification.

**Section 10.** It shall be unlawful for any person to render any service to the public upon the premises of a massage parlor within the county except during the time that the establishment is open with free access thereto by the public, during which time all portions of such establishment shall be open to the inspection of any county official and to any law-enforcement officer of the State, or of the jurisdiction where said establishment is located.

**Section 11.** It shall be unlawful for the owner, manager, or supervisor of a massage parlor within the county to allow, authorize, or tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of Alabama including such laws proscribing acts of prostitution, sodomy, adultery, fornication, or any lewd or obscene act or performance.

Any final conviction of any owner, manager, or supervisor of

any massage parlor of a violation of the foregoing mentioned acts occurring on or in connection with the establishment shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises thereafter shall be issued by the county governing body for a period of one year.

**Section 12.** It shall be unlawful for any person to operate a massage parlor, regardless of whether it is a public or private facility, or any bath parlor, or any similar type business within the county, where any physical contact with the recipient of such service is provided by a person of the opposite sex. Any person violating the provisions of this act shall, upon conviction, be punished by fine of \$500.00 or twelve months in jail, one or both; and in addition, final conviction of any owner, manager, or person in charge of premises upon which a massage parlor is operated shall automatically terminate the license of said establishment and the county governing body shall so notify the holder thereof, and no new license for the operation of a massage parlor on the same premises shall thereafter be issued by the county governing body for a period of one year.

**Section 13.** It shall be unlawful for any masseur, masseuse, attendant, or person employed in a massage parlor within the county to massage or in any way touch the genital organs of another in connection with any massage or other service rendered by said establishment. It shall be unlawful for any person to advertise or offer any massage or physical touching of the genital organs of another in connection with such a massage.

**Section 14.** Any license issued hereunder by the county governing body upon the violation of any section, requirement, or provision of this act by the licensee or any agent, attendant, or other employee of said licensee, provided the licensee shall first be notified of said violation and be afforded a hearing before the said county governing body. Written notice of any violation hereunder and any hearing thereon before the county governing body may be given to licensees by delivering said notice by hand to licensee, or in his absence to any adult person employed by licensee at the licensed premises or the deposit of said notice postage prepaid with the United States Postal Service and addressed to licensee at the licensed premises, not less than ten (10) days prior to such hearing before the county governing body and the licensee may present such evidence as he shall wish to the said governing body. In the event of any revocation of a license for the operation of a massage parlor in accordance with this section, said licensee shall not be entitled to the issuance of a subsequent license for the operation of a massage

parlor in the county within twelve (12) months following the date of said revocation.

**Section 15.** Any person who shall violate any provision or section of this act for which a penalty is not otherwise provided, or who shall do any act made unlawful by this act for which a penalty is not otherwise provided, shall, upon conviction thereof, be guilty of a Class B misdemeanor as defined in Act No. 607, S. 33, of the 1977 Regular Session (Acts 1977, p. 812).

**Section 16.** It is hereby declared to be the intention of the Legislature that the sections, paragraphs, sentences, clauses, and phrases of this act are severable; and if any phrase, clause, sentence, paragraph, or section of same shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this act, since the same would have been enacted by the Legislature without the incorporation in this act of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

**Section 17.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 551

S. 710—McDonald (A)

### AN ACT

Relating to Limestone County; to provide for an additional expense allowance for the court reporter of any judicial circuit composed only of Limestone County.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Each court reporter of any judicial circuit composed only of Limestone County shall be allowed and paid an additional \$200 per month expense allowance which shall be in addition to any and all other compensation or expense allowances provided for by law. Said expense allowances shall be paid out of the general fund of Limestone County.

**Section 2.** All laws or parts of laws which conflict with this act are hereby repealed.



**Section 3.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 552

S. 748—Edwards

AN ACT

Relating to Lawrence County; to provide for an expense allowance for the circuit judge of the circuit composed of Lawrence County, payable from the county treasury.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The circuit judge for the circuit composed of Lawrence County shall receive an additional expense allowance payable in equal monthly installments from the county general fund in an amount equal to 30% of the prevailing salary paid to such circuit judge by the state. The expense allowance provided for by this act shall be in lieu of all other supplemental salary, supplemental compensation or expense allowances provided for by law.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

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Act No. 553

S. 774—Fine

AN ACT

Relating to Marion County, to authorize and require the county board of education to provide the superintendent of education an annual expense allowance; to provide retroactive effect; and to repeal conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The county board of education of Marion County is hereby authorized and required to provide the superintendent of education of said county an annual expense allowance of \$2400.00, payable in lieu of any expense allowance heretofore provided by law and payable in equal monthly installments from the same funds as his regular compensation is paid.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** The provisions of this act shall have retroactive effect to January 1, 1970.

This Act became a law under Section 125 of the Constitution on April 25, 1978 without approval by the Governor.

Act No. 554

H.J.R. 53—Smith (C)

### HOUSE JOINT RESOLUTION

#### COMMENDING THE ALABAMA HIGHWAY DEPARTMENT FOR TOP NATIONAL HONORS RECEIVED

WHEREAS, the Alabama Legislature was highly pleased to learn that the Alabama Highway Department has received the Keep America Beautiful first-place award for litter prevention programs sponsored by state highway and transportation divisions nationwide; and

WHEREAS, in the contest sponsored by the Federal Highway Administration of the U. S. Department of Transportation and Keep America Beautiful, Incorporated, Alabama's State Highway Department was cited for its distribution of 150,000 copies of a highway litter digest to schools, shopping centers, rest areas and other strategic locations; and

WHEREAS, it is indeed an honor for our state's Highway Department to have received this most prestigious award in competition with departments throughout the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

we most heartily congratulate and highly commend the Alabama Highway Department for this signal honor and direct that they receive a copy of this resolution that they may know of our praise and applause.

Approved April 24, 1978

Time: 5:00 P.M.

Act No. 555

H.J.R. 77—Smith (C), Moore (O), Waggoner,  
Turnham

### HOUSE JOINT RESOLUTION

#### HONORING JAMES F. VICKREY, JR., PRESIDENT, UNIVERSITY OF MONTEVALLO

WHEREAS, the Legislature of Alabama has noted with pleased accord the inauguration on Founder's Day 1977 of Dr. James F. Vickrey, Jr., as the 11th president of the University of Montevallo; and

WHEREAS, Dr. Vickrey, who is a native of Montgomery, Alabama, was educated in the public schools of that city and in Lowndes County; he received both his B. A. and Masters Degrees from Auburn University, attended the University of Alabama Law School and, in December 1972, was awarded his Ph.D. Degree from Florida State University in Tallahassee, Florida; and

WHEREAS, James Vickrey is eminently qualified for the position of university president having served as graduate assistant and instructor at both Auburn University and Florida State University and as graduate assistant at the University of Alabama while in Law School; he further has served as editor writer of the Extension Course Institute at Gunter AirForce Base, as administrative assistant to the executive vice president of Florida State, as Director of University Relations and assistant to the president of the University of South Florida, and as Executive Assistant to the Chancellor and Director of Public Affairs, as well as Associate Professor, at Florida State University; and

WHEREAS, Dr. Vickrey also has had many articles published in professional journals and has authored books, reviews, forum pieces and formal papers as well as editorials; and

WHEREAS, President Vickrey has actively participated in a vast number of professional organizations as a member, officer,

and chairman as well as in an advisory capacity, and his awards and honors which are many include both the Exceptional Achievement Award, CASE, and the Grand Award, CASE, for reports which he coordinated on behalf of the State University System of Florida; college honors and activities also are numerous including his serving as coach of the Auburn G. E. College Bowl Team which appeared on national television in 1966; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Dr. James Vickery, Jr., on his outstanding career and heartily approve his selection as the 11th president of the University of Montevallo with its history of more than 80 years of providing quality higher education for the youth of our state.

BE IT FURTHER RESOLVED, That Dr. Vickrey receive a copy of this resolution as a token of our admiration and esteem.

Approved April 24, 1978

Time: 4:30 P.M.

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Act No. 556      H.J.R. 96—Moore (O), McCorquodale, Trammell,  
Jackson (F), Shoemaker

### HOUSE JOINT RESOLUTION

HONORING HARRY WALKER WHO IS TO BE  
INDUCTED INTO THE ALABAMA SPORTS HALL OF FAME.

WHEREAS, the Legislature of Alabama notes with pleased accord the announced induction of Mr. Harry Walker, on March 7, 1978, into the Alabama Sports Hall of Fame; and

WHEREAS, Mr. Walker, a resident and prominent businessman of Leeds, Jefferson County, Alabama, was born October 22, 1918, at Pascagoula, Mississippi; he is the son of the late Ewart "Dixie" Walker who pitched for Washington, the nephew of Ernest Walker who played outfield for the St. Louis Browns and the brother of Fred "Dixie" Walker, the other half of the only brother combination in major league baseball history to win two batting championships - Fred with the National League in 1944 and Harry in 1947 with a .363 average while with the Cardinals and the Phillies; and

WHEREAS, he began his professional baseball career as a free

agent with St. Louis of the National League, played with the Montgomery Club, Southeast League, and in Tiffin, Ohio, the first year of an outstanding career that was to last some 30-plus years, interrupted only by courageous service with General Patton's Third Army during World War II for which he was awarded the Purple Heart and Bronze Star Medal; and

WHEREAS, Harry Walker was a player for more than 20 years, 11 of which were with the major leagues, was also one of the most successful managers in minor league history and was later to both coach and manage in the majors; his major league lifetime batting average was .296, he played in three World Series and two All-Star games, and his awards and honors were many throughout his long and laudable career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Harry Walker for his accomplishments and contributions in the field of professional baseball; we congratulate him as a member of the Alabama Sports Hall of Fame and direct that he receive a copy of this resolution as evidence of our acclaim.

Approved April 24, 1978

Time: 6:00 P.M.

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Act No. 557

H.J.R. 97—Moore (O), Smith (C), Waggoner

### HOUSE JOINT RESOLUTION

COMMENDING JAMES L. RAY, JR., AWARD WINNING COUNTY ENGINEER.

WHEREAS, James L. Ray, Registered Professional Civil Engineer and an alumnus of the University of Alabama at Birmingham, is County Engineer-Director of Public Works, Shelby County, Columbiana, Alabama, with thirty-three years of service in Shelby County; and

WHEREAS, Mr. Ray, who served during World War II with the United States Marine Corps, has during his long and highly successful career served his profession as a past president, member of the board and chairman of the resolutions committee of the Association of County Engineers of Alabama; he, further, has been long affiliated with the National Association of Professional County Engineers, NACE, having served as regional vice-president and on

numerous working committees, and also is affiliated with the American Society of Civil Engineers and the Association of County Engineers of Alabama of which he is a past president; and

WHEREAS, his awards and honors have been many and include the Civitan Club's award as Outstanding Shelby County Citizen of 1975, an unprecedented two awards in 1975 and 1976 from the Association of County Commissions of Alabama for outstanding service to county government, a designation of the Shelby County Commission of their office building as the "James L. Ray, Jr., Building," and his most recent NACE award as the Most Outstanding Rural County Engineer in the United States for 1977; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend James L. Ray, Jr., for meritorious service to his profession; we heartily congratulate him on his many prestigious awards and honors and direct that he receive a copy of this resolution as evidence of our esteem.

Approved April 24, 1978

Time: 5:00 P.M.

Act No. 558

H.J.R. 402—Baker

### HOUSE JOINT RESOLUTION

COMMENDING TERRY BINION, SELECTED FOR MEMBERSHIP IN THE NATIONAL HIGH SCHOOL HONORS BAND.

WHEREAS, the Legislature of Alabama has learned with great pride and pleasure that Terry Binion, a member of the Central High School Band of Phenix City, has been selected for membership in the National High School Honors Band, one of the highest honors in the nation which can come to a high school musician; and

WHEREAS, as a member of this prestigious band, organized and sponsored by the National Band Association, Terry will join one hundred twenty-five of the finest young band musicians in the United States in Chicago, on April 11, 1978; the band will rehearse under the baton of Dr. William D. Revelli, director of bands emeritus at the University of Michigan, and later will play one of the final concerts of the biennial convention of the Music Educators

National Conference; and

WHEREAS, Terry Binion, an all-A student who plays first trumpet in the Central Symphonic Band, Marching Band and Jazz Ensemble, also plays piano and electric bass; he sings bass in the First United Methodist Church Choir in Phenix City, is a soloist with the Youth Choir and is active, further, in theatrical and musical productions; and

WHEREAS, he has long participated in musical competition and his honors have been many; at the age of four, he started marching as a mascot drum major, actually served one summer at the age of eight as a drum major for a national championship high school band; he was receiving national honors from the National Piano Guild by the age of ten, and his junior high school band in Texas was a States Sweepstakes Winner; and

WHEREAS, Terry has twice attended the University of Alabama Music Center where he was an honor student in music theory and played first trumpet in the band, and this year was nominated for the McDonald's All American High School Band, and was chosen as first trumpet in the Quad-State Band Festival in Kentucky; he has consistently received Superior Ratings in state competition in Texas and Alabama, was recently selected as a member of the Alabama All-State Band with the highest score among the fifty-two high school trumpet players who auditioned, and he has been selected to perform this summer in a European tour as a trumpet player in the United States Collegiate Wind Ensemble; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Terry Binion for membership in the National Honors Band and on his many awards and honors in musical competition; we commend him most highly for outstanding achievement and direct that he and his proud parents, Mr. and Mrs. W. T. Binion, Jr., receive copies of this resolution as a token of our esteem.

Approved April 24, 1978

Time: 4:00 P.M.

## CONGRATULATING THE KIWANIS CLUB OF CLANTON, ALABAMA.

WHEREAS, the Kiwanis Club of Clanton, Alabama, chartered on January 27, 1978, recently celebrated fifty years of service to their community and to its citizens; and

WHEREAS, in keeping with the principles of Kiwanis, International, the Clanton club through the years has provided total funding, or support, in many areas and for innumerable worthwhile organizations; and

WHEREAS, from the very young to the aged, in education, sports, health and other fields, the Clanton Kiwanis Club has given continuously and unselfishly of their funds and of the time and talents of their distinguished members; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Kiwanis Club of Clanton, Alabama, on the occasion of their 50th anniversary and we most highly commend the entire membership on the scope and depth of commitment of their community involvement.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Kiwanis Club of Clanton that they may know of our warm congratulatory wishes and of our high esteem for their club's many charitable and civic endeavors.

Approved April 24, 1978

Time: 4:00 P.M.

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Act No. 560

H.J.R. 428—Smith (C), Carothers

## HOUSE JOINT RESOLUTION

### CONGRATULATING FFA AT FIFTY.

WHEREAS, the Legislature of Alabama has noted the celebration of FFA Week, February 18 through 25, 1978, an event celebrated annually during the week of George Washington's birthday who, himself a farmer, might well be considered the founder of FFA because of his firm and unshakable belief in farming as a noble and honorable profession; and

WHEREAS, FFA, or the Future Farmers of America, is an organization with a membership of over 500,000 members in 8,500 high schools nationwide; in Alabama, 381 chapters boast of a membership of 27,000; and



WHEREAS, FFA is an outgrowth, and integral part, of the Agribusiness instructional program in our schools, celebrating its 50th anniversary with the theme, "FFA at fifty - a golden past, a brighter future"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we note with pleased accord the observance of FFA Week in Alabama and throughout the nation; we congratulate this fine organization on their past fifty golden years as the basis for an even brighter future.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. Charles Reed, FFA Executive Secretary, State of Alabama, as a token of our praise and acclaim.

Approved April 24, 1978

Time: 4:00 P.M.

Act No. 561

H.J.R. 481—Weeks, McNees

### HOUSE JOINT RESOLUTION

#### COMMENDING SUSAN CUNNINGHAM FOR OUTSTANDING ATHLETIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama notes with admiration the remarkable achievement of Susan Cunningham, a junior class member of the Winfield City High School's girls basketball team, the 1978 State 2A Champions; and

WHEREAS, Susan, who is an actively involved member of the Winfield Church of Christ, has further extended her activities to include membership in the "W" Club and in the Senior Pep Club at Winfield City High; she also is a current member of the Honor Society as she was for the two previous years; and

WHEREAS, she has been a member of the Girls Varsity Basketball team for three years, a member of the track team for three years, played with the Junior National Softball Tournament and the State Junior Tennis Tournament teams of 1976, and has been a cheerleader since the eighth grade; and

WHEREAS, Susan was the One-on-One Champion of the Ole Miss Summer Basketball Camp in 1977, State Class 2A Most Valuable Player in 1978, and Area 10 and Marion County Most Valuable Player in both 1977 and 1978; she also was named West Alabama Athletic Conference Most Valuable Player in 1978, 1977

MVP in the Winfield Invitational Tournament, and Winfield Girls Basketball Team's Most Valuable Player in 1976 and 1977 with this year's MVP yet to be announced; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate Susan Cunningham of Winfield City High School for remarkable achievement as an outstanding athlete and student, and further direct that she receive a copy of this resolution as evidence of our admiration and esteem.

Approved April 24, 1978

Time: 4:00 P.M.

Act No.562

H.J.R. 482—Weeks, McNees

### HOUSE JOINT RESOLUTION

COMMENDING AND CONGRATULATING THE WINFIELD CITY HIGH SCHOOL'S GIRLS BASKETBALL TEAM, 1978 2A CHAMPIONS.

WHEREAS, the Alabama Legislature is pleased to note that the Winfield City High School's girls basketball team has claimed the 1978 State 2A Championship; and

WHEREAS, this outstanding championship team can boast of a winning season for the past three years of a total of 54 wins and only 4 losses since the 1975-1976 season; and

WHEREAS, other tournament wins, in addition to this year's state championship, include the Winfield Invitational Tournament, the West Alabama Athletic Conference Tournament, and the Marion County Tournament; they also placed first in both the Area 10 and Region 5 Tournaments; and

WHEREAS, led by their talented head coach, Rusty Morrow, and his able assistant coach, Bill Carothers, this year's team amassed an astonishing total of 1,075 points while ceding only 685 points to their opponents; and

WHEREAS, team member Susan Cunningham was named All State, All Area, All County, All Conference and Most Valuable Player of each; Debi Franks was All State, All County and All Conference; Natalie Bryant was All Area and All Conference, and Pam Benton was named All Area; other team members who contributed greatly to Winfield's outstandingly successful season were Kim Hubbert, Elaine Webster, Jackie May, Rose Green, Mary

Mullis, Tammy Trull and Gertrude Swanigan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the girls basketball team of Winfield City High School on their remarkable past achievements, with hearty congratulations extended for their capture of the 1978 State 2A Girls Basketball Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Principal Drew Chandler for appropriate school display, and a copy to Coach Morrow on behalf of the entire team.

Approved April 24, 1978

Time: 4:00 P.M.

Act No. 563

H.J.R. 488—Manley

### HOUSE JOINT RESOLUTION

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, March 21, 1978, we adjourn to meet again on Wednesday, March 22, and when we adjourn on Wednesday, March 22, we adjourn to meet again on Thursday, March 23; when we adjourn on Thursday, March 23, we adjourn to meet again on Tuesday, March 28, and when we adjourn on Tuesday, March 28, we adjourn to meet again on Wednesday, March 29, and when we adjourn on Wednesday, March 29, we adjourn to meet again on Thursday, March 30; when we adjourn on Thursday, March 30, we adjourn to meet again on Tuesday, April 4; when we adjourn on Tuesday, April 4, we adjourn to meet again on Wednesday, April 5, and when we adjourn on Wednesday, April 5, we adjourn to meet again on Thursday, April 6; when we adjourn on Thursday, April 6, we adjourn to meet again on Tuesday, April 11; when we adjourn on Tuesday, April 11, we adjourn to meet again on Wednesday, April 12, and when we adjourn on Wednesday, April 12, we adjourn to meet again on Thursday, April 13 and when we adjourn on Thursday, April 13, we adjourn to meet again on Monday, April 24; when we adjourn on Monday, April 24, we adjourn sine die.

Approved April 24, 1978

Time: 6:00 P.M.

Act No. 564

H.J.R. 534—Carter

## HOUSE JOINT RESOLUTION

COMMENDING MISS DEBORAH ANN KELLEY, MISS ALABAMA NATIONAL TEENAGER.

WHEREAS, the Legislature of Alabama notes with great pride and pleasure the selection of Miss Deborah Ann Kelley of East Limestone Community, Athens, Alabama, as the 1978 Miss Alabama National Teenager and who, as such, was crowned during recent festivities at Huntingdon College in Montgomery; and

WHEREAS, Miss Kelley, the reigning Miss Limestone County, is an eighteen-year-old senior at Athens High School where she is a member of the school chorus and of the National Honor Society; she further has served as a page during the 1978 Regular Session of the Alabama Legislature; and

WHEREAS, lovely Deborah Ann Kelley won her crown in competition with 62 other young ladies, judged on a basis of points awarded for community involvement, scholastic achievement and poise, and on her written essay entitled "What's Right with America?"; and

WHEREAS, already the winner of four other national crowns, Deborah will now serve as our state's lovely and charming representative in competition for the national title of Miss National Teenager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Deborah Ann Kelley of Limestone County as our 1978 Miss Alabama National Teenager.

BE IT FURTHER RESOLVED, That, as an expression of our pride in her representation of the State of Alabama, Miss Kelley be presented with a copy of this resolution, and a copy provided for her justifiably proud parents, Mr. and Mrs. Harold Kelley of East Limestone.

Approved April 24, 1978

Time: 4:00 P.M.

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Act No. 565    H.J.R. 585—Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Buskey, Callahan, Campbell,

Carothers, Carter, Cates, Clark,  
 Coburn, Cooper, Crawford, Cross,  
 Crowe, Dial, Drake, Edwards, Falken-  
 burg, Folmar, Ford, Glass, Goodwin,  
 Greer, Gregg, Hall, Harris, Harrison,  
 Hill, Hilliard, Hines, Holley, Holmes,  
 (A), Holmes (D), Hopping, Howard,  
 Jackson (F), Jackson (R), Johnson,  
 Johnstone, Jolly, Kelley, Kennedy,  
 Killian, Kinsey, Langford, Lee,  
 Leonard, Lockett, Lutz, McCluskey,  
 McCulley, McCorquodale, McMillan,  
 McNair, McNees, Manley, Martin,  
 Merrill, Mitchem, Moore (O), Moore  
 (W), Morris, Naramore, Owens,  
 Pegues, Plaster, Quarles, Reed, Rich,  
 Riddick, Roberts, Robertson,  
 Sandusky, Sasser, Shelton, Shoe-  
 maker, Smith (B), Smith (C), Smith  
 (J), Smith (M), Sonnier, Sparks,  
 Starkey, Taylor, Thomas, Towns,  
 Trammell, Tucker, Turnham,  
 Venable, Waggoner, Ward, Warren,  
 Weeks, Whatley, White, Williams,  
 Wyatt, Younce

#### HOUSE JOINT RESOLUTION

#### HONORING HUBERT GREEN, CURRENT UNITED STATES OPEN CHAMPION

WHEREAS, as the current United States Open Champion, native Alabamian Hubert Green is a source of great pride to all citizens of our state; and

WHEREAS, Hubert Green is an outstanding professional golfer, a member of the select few to reach millionaire status and this he accomplished in just a few short years, having joined the ranks of "pro" and named pro golf's "rookie of the year" in 1971; and

WHEREAS, in this year's 42nd Masters and once again proving his mettle, Hubert Green, just one shot off the lead, was in contention to tie Gary Player for 1st place and thus send the Augusta, Georgia Classic into sudden death play-off for the first time in history; and

WHEREAS, with many tour titles to his credit, in addition to that of U. S. Open Champion, Hubert Green of Birmingham, Alabama, has all the qualities of a truly great golfer who takes his

place among other notables of the game such as Nicklaus, Snead, Palmer and Jones; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Golfer Hubert Green on his magnificent career, expressing our great pride, once again, that he is one of Alabama's own and indeed a credit to our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Hubert Green and his lovely wife, Karen, as but a token of our appreciation and praise.

Approved April 24, 1978

Time: 4:00 P.M.

Act No. 566

H.J.R. 586—Gafford, Falkenburg

### HOUSE JOINT RESOLUTION

REGRETTING THE ILLNESS OF MR. LLOYD H. DAVIS AND WISHING HIM A SPEEDY RECOVERY.

WHEREAS, the Legislature of Alabama has regretfully learned of the illness of Mr. Lloyd H. Davis who recently was hospitalized in Birmingham, Alabama; and

WHEREAS, Mr. Davis is one of Birmingham's most highly respected citizens who for many years has devoted much of his time to the civic and fraternal affairs of his community and county; and

WHEREAS, an area of special interest to Mr. Davis and one to which he is truly dedicated is that of the happiness and well-being of our senior citizens; he holds membership on the board of the National Council of Senior Citizens, is president of Hayes International Corporation's Retirees, and is sergeant-at-arms of Region Eight of the United Auto Workers Retirees Association; and

WHEREAS, he is also actively involved in many other programs for the retired and elderly including the Positive Maturity Program which was designed to aid the elderly by helping them to lead, in their senior years, lives that are active, productive and rewarding; and

WHEREAS, Mr. Davis' activities extend further to include deep involvement in the Eastern Area Democratic Club which he has provided with outstanding leadership, helping to direct its activities through the years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we voice our appreciation to Mr. Lloyd H. Davis for his outstanding leadership in civic and fraternal affairs, and for his dedicated service on behalf of all our Senior Citizens.

BE IT FURTHER RESOLVED, That we express our regret of his illness, earnestly beseech his early and complete recovery, and direct that he receive a copy of this resolution as a token of our warm praise and esteem.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 567

H.J.R. 587—Gafford

### HOUSE JOINT RESOLUTION

COMMENDING MR. L. W. "BILL" MARTIN FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Alabama Legislature notes with appreciation and praise the many outstanding contributions of Mr. L. W. "Bill" Martin toward the betterment of his community and the well-being of his fellow citizens; and

WHEREAS, Mr. Martin, a native of Cullman and long-time resident of Birmingham, Alabama, is an established leader in fraternal and civic affairs, who has been active for many years in Jefferson County Democratic politics and who presently is serving as Assistant Chief Inspector of the Polls; and

WHEREAS, Bill Martin joined the West Woodlawn Methodist Church in 1945 and has served as Sunday School teacher since 1948; the class was named the "Bill Martin Class," in his honor, in 1956; and

WHEREAS, a choir member for many years, he also is past president and a charter member of the West Woodlawn Methodist Church Men's Club, a member of the Administrative Board of his church and of its Board of Trustees; and

WHEREAS, Bill Martin is indeed worthy of praise for his life of exemplary service to others, for unselfish dedication to the work of his church and for Christian leadership in all phases of community life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mr. L. W. "Bill" Martin of Birmingham, Alabama, who serves as an example to be emulated by his fellow citizens.

BE IT FURTHER RESOLVED, That Mr. Martin receive a copy of this resolution that he may know of our high praise, appreciation and esteem.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 568

H.J.R. 20—Waggoner

### HOUSE JOINT RESOLUTION

#### CONGRATULATING THE HALL OF FAME PROMOTERS ON THEIR INAUGURAL CLASSIC.

WHEREAS, many citizens of the State of Alabama, and particularly those residing in the great City of Birmingham, have worked diligently over a long period to establish a football bowl spectacular; and

WHEREAS, on December 22, 1977, in the famed Legion Field in Birmingham, the inaugural Hall of Fame Classic pitted the Maryland Terps against the Minnesota Gophers, which brought the Terps a 17-7 victory; and

WHEREAS, an estimated 47,000 enthusiastic fans braved well-chilled weather to support this first bowl classic and were thrilled by the heart-stopping plays and talented players who were second to none; and

WHEREAS, Alabama and the "Magic City" have earned over the years the acclamation as "The Football Capital of the South"; and

WHEREAS, much honor and prominence were given to our great State and the City of Birmingham and its citizens when thousands of viewers throughout our nation watched the Hall of Fame Classic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do congratulate the promoters of the Hall of Fame Classic, the two teams for their fine performance and the supporters



throughout the State whose enthusiasm has made this bowl a reality and which continues the fine football tradition of our State and the City of Birmingham.

BE IT FURTHER RESOLVED, That this body does wish the promoters of this fine bowl many, many years of success.

Approved April 24, 1978

Time: 5:00 P.M.

Act No. 569

H.J.R. 83—Starkey

### HOUSE JOINT RESOLUTION

COMMENDING COACH KENNETH HAROLD  
McKINNEY AND HIS STEVENSON HIGH SCHOOL STATE  
2-A FOOTBALL CHAMPIONS.

WHEREAS, in 1976, Kenneth Harold McKinney assumed the duties as head coach of the Jackson County Stevenson High School Panthers and led that '76 team to Stevenson's first undefeated season in over a decade, finishing the year by reaching the second round play-offs for the state championship; and

WHEREAS, with only two starters returning for the 1977 season, Panther fans were prepared for a rebuilding campaign, hoping at best for a winning season but with few sharing Coach McKinney's goal of the state championship; and

WHEREAS, with a new assistant coach, Larry Williamson, and with renewed vigor and dedication by Coach McKinney and his Panthers, the dream of a state championship became a reality with Stevenson's spectacular defeat of the Roanoke Tigers in final competition and, with it, the State 2-A Crown; and

WHEREAS, in addition to Coaches McKinney and Williamson, much credit is due also to the tremendous efforts of team champions Brian Hicks, Marshan Jolly, Gary Trimew, Robert Jernagin, Terry Wann, Carl Wayne Mason, Johnny Talley, Bobby Hicks, Calvin Hutchins, Mickey Partin, Robbie Johnson, Tim Reed, Whitey Thomas, Sammy McCarson, Charlie Evans, Darryl Rutledge, Kenneth Lankford, Lamar Williams, Billy Queen, John Rudder, Jerry Arnold, Jim Krause, Phil Thompson, Randall Barbee, Huey Steckle, Mike Holder, Jimmy Holdcraft, Terry Jones, Brian Wilson, Wayne Phillips, Johnny McCoy, Otis McCrary, Doug Stevens, John McMurry, Rickey Mason, David

Stevens, Pat Stallings, Bill Butler, and Manager Brian Venable; and

WHEREAS, Coach McKinney with a career record of 117-28-9, has won the support and admiration of his community not only as an outstanding coach, but also as a dedicated worker who strives to mold young athletes into upstanding young men with character, purpose and integrity; two members of his 1976 team are collegiate players, others prospects, and several players on the 1977 team are regarded as collegiate prospects with two being candidates for football scholarships; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend both Coach Kenneth Harold McKinney on his outstanding record as Stevenson High School's head coach, and also the Panthers on their 1977 State 2-A Football Championship.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate display at Stevenson High School and a copy sent to Coach McKinney on behalf of the entire team.

Approved April 24, 1978

Time: 5:00 P.M.

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Act No. 570

H.J.R. 84—Starkey

### HOUSE JOINT RESOLUTION

HONORING MR. ROBERT LEE BOWLES, PROMINENT JACKSON COUNTY CIVIC AND RELIGIOUS LEADER.

WHEREAS, the Legislature of Alabama has noted the many outstanding accomplishments of Mr. Robert Lee Bowles of Stevenson, Jackson County, Alabama, who has made contributions of great importance to his community and fellow citizens; and

WHEREAS, Mr. Bowles, a graduate of Georgia Tech Textile Engineering School, began his career with Avondale in 1929 at their Sylacauga plant, transferring to Stevenson in 1939 where he has been keenly interested and active through the years in all of his county's civic, social and religious activities; and

WHEREAS, he is an actively involved member of the Stevenson United Methodist Church and also has for years been vitally interested in the youth of his community, instrumental in securing scholarships for many deserving students who otherwise

might have been unable to pursue a higher education; he has successfully bridges the "generation gap," gaining the respect of both young and old alike and recently was paid tribute by members of the 1977-78 Quarterback Club as an ardent and supportive football fan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend most highly Mr. Robert Lee Bowles of Stevenson for contributions of note to his community, and also direct that he receive a copy of this resolution that he may know of our appreciation and praise.

Approved April 24, 1978

Time: 5:30 P.M.

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Act No. 571

H.J.R. 403—Starkey

### HOUSE JOINT RESOLUTION

#### CONGRATULATING MR. WILLIE STEWART, NAMED "PANTHER OF THE YEAR"

WHEREAS, the Alabama Legislature has noted that Mr. Willie Stewart has been named "Panther of the Year" at a special banquet held recently in Scottsboro in honor of the Stevenson Panthers who have been commended by this Legislature for winning the State 2-A Football Championship; and

WHEREAS, the Stevenson Quarterback Club, which sponsored the banquet, selected Mr. Stewart for this signal honor because of his many contributions to the club and to the Panthers; he has long displayed a continuing and avid interest in support of the highly successful football program at Stevenson High; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Mr. Willie Stewart on his selection by the Stevenson Quarterback Club as "Panther of the Year."

BE IT FURTHER RESOLVED, That Mr. Stewart receive a copy of this resolution that he may know of our congratulations, and of our praise of his support and interest in the athletic endeavors of our state's youth.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 572

H.J.R. 519—Starkey, Killian

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF POLICE CAPTAIN A. CARLOS WELLS.

WHEREAS, the Legislature of Alabama has been deeply shocked and saddened to learn of the death of Captain A. Carlos Wells who was killed today, March 23, 1978, in an unfortunate motorcycle accident; and

WHEREAS, Captain Wells was with the police department of Scottsboro in Jackson County, Alabama, and had served as an outstanding and dedicated member of that department for some ten years; and

WHEREAS, it is regretful indeed that we learn of the untimely and tragic death of a fine young officer who, by virtue of his profession, faced daily danger and ultimately, death, while protecting the lives and property of his fellow citizens; and

WHEREAS, he is survived by his wife, Carol, and their three young daughters, Kathy, Angie and Nita, with whom we share the loss of their husband and father; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn and deeply regret the death of Police Captain A. Carlos Wells of Scottsboro, Alabama.

BE IT FURTHER RESOLVED, That we extend our most heartfelt sympathy to Mrs. Wells, and to Kathy, Angie and Nita, directing that they receive copies of this resolution that they may know of our concern for them during their time of great sorrow.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 573

H.J.R. 575—Folmar

HOUSE JOINT RESOLUTION

WHEREAS, Troy State University is currently celebrating its ninety-first year of service to the people of the State of Alabama; and

WHEREAS, Troy State University, since its establishment in 1887, has awarded 23,344 degrees of which more than 73 per cent were during the administration of Dr. Ralph W. Adams; and

WHEREAS, a significant number of these degrees have been earned by students who have completed their education at the facilities of Troy State University in Montgomery; and

WHEREAS, another significant number of degrees have been earned by students who have completed their education at the University's facilities at Dothan/Fort Rucker; and

WHEREAS, Troy State University continued to grow in the numbers of students it serves in the number of services it provides; and

WHEREAS, it is anticipated that Troy State University will award an additional 3,000 degrees during the 1978 academic year, thus continuing its tradition of being the third largest degree granting institution in the state;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees, the faculty, staff and administration of Troy State University be commended and congratulated for their performance of service to the citizens of the State of Alabama and for their contribution to the furtherance of education; and

BE IT FURTHER RESOLVED, that, since the value of services rendered by Troy State University and its branches continues to have great impact upon the educational processes of Alabama all the University's branches are hereby authorized to award degrees aproved by its president; and

BE IT FURTHER RESOLVED THAT the legislature of the State of Alabama, in order to honor and to recognize the accomplishments of the Troy State University System and its President, Dr. Ralph W. Adams, authorize and direct that copies of this resolution be provided President Adams, the individual members of the Troy State University Board of Trustees and members of the Press.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 574    H.J.R. 591—White, McCorquodale, Biddle, Moore (O), Waggoner, Martin, Gafford, Smith (M), Barron, Boles, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Goodwin, Gregg, Hall, Harris, Hilliard, Holley, Hopping, Howard, Johnson, Johnstone, Kelley, Killian, Langford, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Narmore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Sasser, Shoemaker, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Thomas, Trammell, Warren, Weeks, Williams, Wyatt, Quarles.

## HOUSE JOINT RESOLUTION

### COMMENDING THE LEGISLATIVE WIVES COOKBOOK COMMITTEE.

WHEREAS, the Legislature of Alabama notes with great pride and pleasure the outstanding success of the cookbook recently published as a joint project of the wives of members of the Alabama Legislature; and

WHEREAS, "Around the Spiral Staircase" is an extraordinary compilation of recipes submitted by Legislative wives; all are "Alabama" favorites and each recipe, tested and tried, is guaranteed to please; and

WHEREAS, the Cookbook Committee was chaired by Leslie Smith and the other members were Betty McCorquodale, Lil White, Frances Gafford, Charlie Fay Moore, Daphyne Martin, Marilyn Waggoner, Nena Biddle and Elizabeth Gilmore who also serves as President of Legislative Wives; and

WHEREAS, these lovely ladies did a magnificent job of pre-publishing preparation in collecting and coordinating with the result that "Around the Spiral Stair Case" has become a treasured addition for a cookbook collector's library; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly praise and commend the Legislative Wives Cookbook Committee for an outstanding job, recognizing that many long hours were spent by each and every committee member

in so successfully accomplishing this tremendous task.

BE IT FURTHER RESOLVED, That in token of our deep admiration and pride, copies of this resolution be sent to Mesdames Smith, McCorquodale, White, Gafford, Moore, Martin, Waggoner, Biddle and Gilmore.

Approved April 24, 1978

Time: 5:00 P.M.

Act No. 575

H.J.R. 592—Quarles

### HOUSE JOINT RESOLUTION

CONGRATULATING AND COMMENDING JUDGE FRANK B. EMBRY, RECENTLY HONORED BY THE MONTGOMERY BAR.

WHEREAS, the Legislature of Alabama has noted with approbation recent honors bestowed upon Judge Frank B. Embry by the Montgomery County Bar Association in appreciation of his services to the Montgomery County courts; and to the State as a whole.

WHEREAS, Judge Embry of Pell City, who has served since 1971 in Supernumerary capacity, had previously practiced law in St. Clair County, beginning in 1915, had served as Circuit Solicitor for eight years and as Circuit Judge for 14 years before his appointment and assignment to Montgomery County; and

WHEREAS, Ashville native Judge Frank Embry is of both judicial heritage and progenitage as the grandson of Circuit Judge Leroy F. Box and the son of Circuit Solicitor James A. Embry, and as the father of Associate Justice Eric Embry of the Alabama Supreme Court with whom Judge Frank Embry made legal history, while serving temporarily in the absence of Chief Justice Heflin, as Alabama's first father and son to serve together on our state's high bench; and

WHEREAS, during his six years with the Montgomery County courts, Judge Embry has presided over numerous important cases with wisdom and judgment befitting his years of experience and judicial acumen; and

WHEREAS, accorded high esteem by his professional colleagues, Judge Embry was presented a plaque by the Montgomery County Bar Association proclaiming his "dedicated

and faithful service to the Bench and Bar of Montgomery County, Alabama"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Judge Frank B. Embry on his distinguished career; wholeheartedly applaud the recent honors bestowed upon Judge Embry, and direct that he receive a copy of this resolution as evidence of our appreciation and esteem.

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 576

H.J.R. 602—Mitchem, Kelley, Drake

### HOUSE JOINT RESOLUTION

DECLARING THE WEEK OF MAY 28—JUNE 3  
ALABAMA POULTRY AND EGG WEEK.

WHEREAS, the poultry industry is Alabama's largest food industry, accounting for approximately 37 per cent of the total farm income in Alabama; and

WHEREAS, Alabama is the third largest broiler producing state in the nation and ranks fifth in egg production, having produced 3.20 billion eggs in 1977 and 450 million broilers; and

WHEREAS, poultry and eggs can be purchased by Alabamians at reasonable prices; and

WHEREAS, Gordon Henderson, Albertville, Alabama has served with distinction and honor as president of the Alabama Poultry and Egg Association; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Week of May 28-June 3 is hereby declared to be "ALABAMA POULTRY AND EGG WEEK".

Approved April 24, 1978

Time: 4:30 P.M.

Act No. 577

H.J.R. 637—Campbell

### HOUSE JOINT RESOLUTION



DIRECTING THAT THE CAPITOL GRILL BE OPEN ON ALL DAYS THAT THE LEGISLATURE IS IN SESSION, INCLUDING LEGAL HOLIDAYS IN THE STATE OF ALABAMA.

WHEREAS, the Capitol Grill was closed on April 13, 1978, a day that the Alabama Legislature was in session; and

WHEREAS, in addition to the members of the Legislature, there were numerous others who, by virtue of the nature of their duties, were required to work even though said date was a legal holiday in the State of Alabama; and

WHEREAS, many other of our state's citizens were present in the Capitol on that day; and

WHEREAS, as a result of the Capitol Grill's being closed, it was mandatory for all members of the Legislature, state employees and visitors alike to leave the Capitol Grounds in order to obtain meals, a gross inconvenience and unnecessary waste of time; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct that the Capitol Grill remain open on all days that the Legislature is in session, including State Holidays, until 6:00 o'clock P.M. or until the hour the legislature has adjourned, whichever is earlier. Provided, however, that the Capitol Grill will not close prior to their normal closing hour.

Approved April 24, 1978

Time: 5:00 P.M.

Act No. 578

H. 150—Naramore

### AN ACT

To amend the act proposed by H. B. 1134 of the 1977 Regular Session, which is entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer authority in the service of the state, and to appropriate necessary funds," so as to add certain other sworn law enforcement officers to the list whose compensation will be increased.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 1 of the act proposed by H. B. 1134 of the 1977 Regular Session, entitled "An Act To provide for a pay increase for sworn law enforcement officers with full peace officer

authority in the service of the state, and to appropriate necessary funds," is amended to read as follows:

"Section 1. Each sworn law enforcement officer who has full peace officer authority and who is employed full time in such capacity by the State of Alabama, except department, board, commission or agency heads and assistant heads who have full peace officer authority, shall upon the effective date of this act be entitled to and shall receive a bi-weekly salary increase of \$115.00 beginning October 1, 1977. Without limiting the generality of the above, it is hereby specifically provided that the following listed sworn law enforcement officers shall be entitled to the salary increase above provided for: Law enforcement officers employed by the Alabama Department of Conservation and Natural Resources (including game refuge managers), by the Department of Industrial Relations, by the Forestry Commission, by the Alabama Alcoholic Beverage Control Board, by the State Department of Revenue, by the Department of Insurance (fire marshals), by the Board of Corrections and by the Alabama Department of Agriculture and Industries. The following listed sworn law enforcement officers shall be entitled to receive a bi-weekly salary increase of \$115.00 beginning October 1, 1978: law enforcement officers employed by the Department of Health, by the Board of Pardons and Paroles, by the Department of Finance (Capitol guards), by the Public Service Commission, by the Securities Commission and by the Department of Toxicology and Criminal Investigation (the Office of the State Toxicologist).

**Section 2.** This act shall become effective immediately on October 1, 1978.

Approved April 26, 1978

Time: 5:00 P.M.

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Act No. 579

H. 332—Crowe, Owens

### AN ACT

To amend Section 40-12-270 of the Code of Alabama 1975, so as to make further provisions as to the use of that portion distributed to the state of the proceeds of the motor vehicle license taxes and registration fees imposed by Division 1, Article 5 of Chapter 12, Title 40, Code of Alabama 1975, as amended.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-12-270 of the Code of Alabama 1975

shall be and hereby is further amended so that the said 40-12-270 shall read as follows:

Section 40-12-270. Disbursement of net proceeds from license taxes and registration fees.

(a) The moneys collected each month by the judge of probate from motor vehicle license taxes and registration fees, after deducting therefrom the amounts referred to in subdivisions (1) and (2) of subsection (a) of section 40-12-269, the moneys remaining after making the said deductions being referred to in this section as "the net proceeds", shall be disbursed by the judge of probate as follows:

(1) That portion of the net proceeds that consists of additional amounts paid under the schedule of additional amounts set forth in either of subsections (c) and (d) of section 40-12-248 shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer; and

(2) The entire residue of the net proceeds remaining after compliance with subdivision (1) of this subsection shall be distributed as follows:

a. Seventy-two percent of the said residue, referred to in this subdivision, shall be distributed to the state of Alabama and shall be remitted by the judge of probate to the state treasurer;

b. Twenty-one percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the municipality in which the owner of the motor vehicle resides or with respect to which it is registered as required by law, or, if the said owner does not reside in, or the motor vehicle is not required by law to be registered with respect to, an incorporated municipality, then to the county in which the license tax or registration fee with respect to the said motor vehicle is paid; and

c. Seven percent of the said residue, referred to in this subdivision, shall be remitted by the judge of probate to the state treasurer and shall be apportioned by the state treasurer among the several counties of the state in an amount for each county that bears the same relation to, and constitutes the same proportion of, the total of the said seven percent that the total number of motor vehicles registered in such county bears to the total number of motor vehicles registered in the entire state. The amounts so apportioned to each county shall be distributed by the state treasurer as follows:

1. Ten percent of the amount so apportioned to each county shall be distributed among the municipalities in the county with respect to which the apportionment is made, each such distribution

to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

2. The remaining portion of the amount so apportioned to each county shall be distributed to the county to which such apportionment is made.

(b) Payment of the amounts herein provided to be distributed by the state treasurer to counties and municipalities shall be made quarterly by state warrant and shall be mailed, in the case of such distribution to a county, to the county treasurer (or other officer or entity having the functions of a county treasurer) of that county and, in the case of a distribution to a municipality, to the treasurer of that municipality.

(c) Any municipality incorporated after September 30, 1967, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated. The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall, until the effective date of the then next succeeding federal decennial census, be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of section 11-41-4. For the purposes of this section, each federal decennial census shall be deemed to be effective October 1 next following the publication of the results of such decennial census.

(d) The amounts remitted to the state treasurer pursuant to subdivision (2) of section 40-12-269 and all moneys provided in this section to be distributed to the state of Alabama shall be covered into the treasury to the credit of the public road and bridge fund and disbursed as follows:

(1) The amounts appropriated by the legislature out of the motor vehicle license taxes and registration fees for payment of expenses of the state department of revenue in collection of the said taxes and fees, including salaries, cost of tags, and other costs of collection, shall be paid out of the portion of said taxes and fees that is remitted to the state treasurer pursuant to subdivision (2) of section 40-12-269;

(2) So much of the net proceeds distributed to the state of Alabama pursuant to the provisions of this section as shall be necessary for such purpose shall be used for the following purposes in the following order:

a. Payment at their respective maturities of the principal of

and interest on bonds, other than refunding bonds, issued by Alabama highway authority under the provisions of Acts 1967, Ex. Sess., No. 225, p. 302;

b. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398;

c. Payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2414; and

d. Payment at their respective maturities of the principal of and interest on any bonds or other obligations (including refunding obligations) issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the State of Alabama pursuant to authorization, effective at the time of issuance, under the constitution and laws of the said state, and for which the said net proceeds referred to in this subsection (2) shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision in such statute or constitutional provision or in an authorizing resolution thereunder; and

(3) The balance of the moneys referred to in subdivisions (1) and (2) of this subsection remaining after compliance with the said subdivision shall be used by the state highway department for construction and maintenance of public roads and bridges in the state and for any other purpose for which moneys in the public road and bridge fund may be lawfully used.

(e) All moneys received by a municipality or county under this section shall be used by such municipality or county exclusively for the construction, improvement and maintenance of public highways or public streets, including administrative expenses in connection therewith and retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance.

**Section 2.** In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

**Section 3.** This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1978

Time: 5:15 P.M.

Act No. 580

H. 333—Crowe, Owens

### AN ACT

To make further provisions for the issuance of bonds by Alabama Highway Finance Corporation by (i) amending Section 23-1-177 of the Code of Alabama 1975 so as to limit to Twenty-five Million Dollars the principal amount of bonds (other than refunding bonds) authorized to be issued by the said corporation after February 1, 1978, and so as to provide that no bond issued under Article 7 of Chapter 1 of Title 23 of the said Code may mature later than twenty years from its date, (ii) supplementing the said Article 7 by the appropriation and pledge of funds necessary to pay the principal of and the interest on bonds issued after February 1, 1978, under the said Article 7, and specifying the rank or precedence of the pledges for the benefit of the said bonds, and (iii) repealing Section 9 of Act No. 228 adopted at the 1965 Regular Session of the Legislature.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 23-1-177 of the Code of Alabama 1975 shall be and the same is hereby amended so that the said section shall read in its entirety as follows:

“Section 23-1-177. Bonds - Generally.

(a) The bonds of the corporation shall be signed by its president and attested by its secretary and the seal of the corporation shall be affixed thereto or printed or otherwise reproduced thereon, and any interest coupons applicable to such bonds shall be signed by the president; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his signing the same, and a facsimile of the president's signature may be printed or otherwise reproduced on any such interest coupons in lieu of his signing the same.

(b) Any bonds of the corporation may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may contain provisions for redemption prior to maturity, and may contain such other provisions not inconsistent with this article, all as may be provided by the resolution of the board of directors under which such bonds are authorized to be issued;

provided, that no bond of the corporation shall have a specified maturity date later than twenty years after its date.

(c) Bonds of the corporation may be sold from time to time as the board of directors may deem advantageous; provided, that the aggregate principal amount of bonds of the corporation (other than refunding bonds) which may be issued under this article after February 1, 1978, shall be limited to Twenty-five Million Dollars (\$25,000,000.00); and provided, further, that no bonds, other than refunding bonds may be sold or issued by the corporation unless the Governor shall have first determined that the issuance of the bonds proposed to be issued will be necessary to assure the availability of funds for payment of the state's share of the cost of roads and bridges that shall from time to time be constructed with funds supplied jointly by the state and the federal government.

(d) Bonds of the corporation must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the corporation for the bonds being sold, computed to their relative maturities; provided, that if no bid acceptable to the corporation is received it may reject all bids. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York and also by publication in a newspaper published in the State of Alabama that is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this article.

(e) Subject to the provisions and limitations contained in this article, the corporation may from time to time sell and issue refunding bonds for the purpose of refunding any matured or unmatured bonds of the corporation then outstanding. Approval by the Governor of Alabama of the terms and conditions under which any bonds of the corporation may be issued shall be requisite to their validity. Such approval shall be entered on the minutes of the meetings of the board of directors at which the bonds are authorized, and shall be signed by the Governor. Such approval by the Governor may be shown on any such bonds by a facsimile of his signature printed or otherwise reproduced thereon when authorization thereof is contained in the said approval signed by him.

(f) The corporation may pay out of the proceeds from the sale of its bonds all expenses, including fees of attorneys and other charges, which said board of directors may deem necessary and advantageous in connection with the issuance of such bonds. Bonds issued by the corporation shall not be general obligations of the corporation but shall be payable solely out of the funds appropriated and pledged therefor by act of the Legislature. As security for the payment of the principal of and interest on any bonds issued by it, the corporation is hereby authorized and empowered to pledge for payment of such principal and interest the funds that are appropriated and pledged by act of the Legislature for payment of said principal and interest.

(g) All contracts made and all bonds issued by the corporation pursuant to the provisions of this article shall be solely and exclusively obligations of the corporation and shall not be an obligation or debt of any kind of the State of Alabama. Bonds issued by the corporation when not registered shall be construed to be negotiable instruments although payable solely from a specified source, as provided in this article. All bonds issued by the corporation and the income therefrom shall be exempt from all taxation in the State of Alabama. Any bonds issued by the corporation may be used by the holder thereof as security for any funds belonging to the state or to any instrumentality or agency of the state in any instance where security for such deposits may be required by law.

(h) Unless otherwise directed by the court having jurisdiction thereof, or by the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust and other fiduciary funds in bonds of the corporation.

(i) Neither a public hearing nor consent by the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of bonds by the corporation."

**Section 2.** Where used in this section the following words and terms shall be given the following respective meanings:

"Bonds", without qualifying words or phrases, means bonds of the Corporation issued under Article 7, Chapter 1, Title 40 of the Code.

"Code" means the Code of Alabama 1975.

"Corporation" means Alabama Highway Finance Corporation, a public corporation and instrumentality of the State of Alabama



that was organized and is existing under the provisions of an act of the Legislature now codified as Article 7, Chapter 1 of Title 23 of the Code.

“Gasoline tax appropriation statute” means Division 2 of Article 2 of Chapter 17 of Title 40 of the Code.

“Highway gasoline tax” means (a) the excise tax levied in section 40-17-31 of the Code, as amended, exclusive of those portions of said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said section 40-17-31, and (b) the excise tax levied by Article 3 of Chapter 17 of Title 40 of the Code, exclusive of that portion of the said tax in respect of diesel fuel.

“Net gasoline tax proceeds” means the entire proceeds from the highway gasoline tax less the cost of collection and less any refunds of the said proceeds pursuant to the provisions of Article 3 of Chapter 17 of Title 40 of the Code, or pursuant to the provisions of either of divisions 3 and 4 of Article 2 of the said Chapter 17.

“State’s share of the net gasoline tax proceeds” means the forty-five (45) per centum of the net gasoline tax proceeds allocated and appropriated for state highway purposes in 40-17-72 of the Code.

For the purpose of providing funds to enable the corporation to pay at their respective maturities the principal of and interest on any bonds that may be issued by it under the provisions of Article 7, Chapter 1 of Title 23 of the Code, and to accomplish the purposes and objects of its creation, there hereby is irrevocably pledged to said purpose and appropriated so much as may be necessary for said purpose of the following [subject, however, to the provisions, hereinafter set forth in this section, as to the rank of the pledges herein made]:

(a) So much as may be necessary for such purpose of those portions of the motor vehicle license taxes and registration fees that are provided to be distributed to the state pursuant to the provisions of Division 1 of Article 5 of Chapter 12 of Title 40 of the Code, as amended, remaining after the costs of collection thereof;

(b) To such extent and to such extent only as the revenues appropriated under the foregoing subsection (a) of this section may not be sufficient to pay at their respective maturities the principal of an interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the said subsection (a)] of the state’s share of the net gasoline tax proceeds;

(c) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a) and (b) of this section may not be sufficient to pay at their respective maturities

the principal of and interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a) and (b)] of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof; (1) the excise tax levied by Article 1 of Chapter 17 of Title 40 of the Code, on distributors and storers of motor fuel, as therein defined, and (2) the excise tax levied by Article 3 of Chapter 17 of Title 40 of the Code (exclusive of that portion of the said tax in respect of gasoline); the term "cost of collection," as used in this subsection (c), meaning that portion of the excise taxes referred to in this subsection that may be appropriated by the Legislature to the Department of Revenue for its operating expenses;

(d) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b) and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a), (b) and (c)] of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by Division 1 of Article 5 of Chapter 17 of Title 8 of the Code that is required by the said act to be deposited to the credit of the public road and bridge fund; and

(e) To such extent and to such extent only as the revenues appropriated under the foregoing subsections (a), (b), (c) and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, so much as may be necessary for such purpose [when added to the amounts appropriated in the foregoing subsections (a), (b), (c) and (d)] of the receipts from the fee, in respect of identification markers on motor vehicles, that is provided for in section 40-17-150 of the Code.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. All pledges made by the corporation shall take precedence among themselves in the order of the adoption of the resolutions making such pledges, except as may be otherwise provided in such resolutions; provided, that any such pledges made for the benefit of any refunding bonds that may be issued under the provisions of the said Article 7 shall be subordinate to any pledge made (either before or after the issuance of such refunding bonds) under the provisions of the said Article 7 for the benefit of bonds (other than refunding bonds) issued under the provisions of the said Article 7.

The appropriations and pledges herein made, for the benefit of

any bonds (including refunding bonds) issued under the said Article 7, of the taxes and fees referred to in subparagraphs (a) to (e), inclusive, of this section, shall be subject and subordinate to all pledges of the said taxes and fees lawfully made as security for (i) any bonds issued by Alabama Highway Authority prior to December 1, 1977, or (ii) any refunding bonds that may be issued by Alabama Highway Authority after December 1, 1977, for the purpose of refunding any of the bonds referred to in clause (i) of this sentence if, and only if, the aggregate amount of principal and interest that will mature with respect to such refunding bonds during any fiscal year of the State of Alabama does not exceed the amount of principal and interest, with respect to the bonds refunded by such refunding bonds, that have a stated maturity during the same fiscal year (or that would have had a stated maturity during the same fiscal year if such bonds had not been refunded).

Any pledge for the benefit of any refunding bonds issued under the said Article 7 shall also be subject and subordinate to the following: (i) any pledge or pledges of the tax proceeds and fees referred to in subsections (a) to (e), inclusive, of this section that may have been made prior to the issuance of such refunding bonds pursuant to authorization in any statute effective at the time of such issuance, and (ii) any pledge or pledges authorized, by any statute in effect at the time of the issuance of such refunding bonds, to be made for the benefit of any then-unissued bonds (other than refunding bonds) provided for in any such statute; and provided, further, that the priorities of any such refunding bonds over each other as to any such pledge shall be as may be provided in the resolutions of the board of directors authorizing any such refunding bonds.

The appropriations and pledges herein made for the benefit of any bonds (other than refunding bonds) issued under the said Article 7 shall be prior and superior to any appropriations and pledges for the benefit of any obligations that may at any time be issued under the provisions of Act No. 565 adopted at the 1976 Regular Session of the Legislature.

**Section 3.** Section 9 of Act No. 228 adopted at the 1965 Regular Session is hereby repealed.

**Section 4.** This Act shall become effective immediately upon its passage and its approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1978

Time: 5:20 P.M.

Act No. 581

H. 334—Crowe, Owens

## AN ACT

To amend Article 1, Chapter 17 of Title 40 of the Code of Alabama 1975 (relating to the excise tax on motor fuel as defined in the said Article 1), so as to make further provisions for the disposition of the proceeds of the tax levied thereby.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-17-13 is hereby amended so that the said Section 40-17-13 shall read in its entirety as follows:

Section 40-17-13. Disposition of proceeds of tax.

The proceeds of the excise tax imposed by this article, when collected, shall be applied for the following purposes and in the following order:

(1) For payment of the costs of collection thereof, being the amount appropriated for each fiscal year by the legislature to the department of revenue for the administration of this article;

(2) For payment of the principal of and interest on bonds issued after October 1, 1969, and prior to December 1, 1977, by Alabama highway authority, a public corporation and instrumentality of the state, all in the manner and to the extent and subject to such priorities as to rank as are provided in the respective statutes under which the said bonds were issued;

(3) For payment of the principal of and interest on bonds and other obligations (including refunding obligations) issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of Alabama pursuant to then existing statutory or constitutional authorization, or by the state of Alabama pursuant to authorization, effective at the time of issuance, under the constitution and laws of said state, and for which the said excise tax imposed by this article shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision), all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provisions or in an authorizing resolution thereunder; and

(4) The balance shall be covered into the treasury to the credit of the highway department to be used exclusively in the construction, repair, maintenance and operation of public roads and bridges in this state, including any toll road or toll bridge constructed by the highway department or maintained and operated by it or under its supervision.

**Section 2.** In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of

competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

**Section 3.** This act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1978

Time: 5:15 P.M.

Act No. 582

H. 335—Crowe, Owens

### AN ACT

To amend Division 2, Article 2 of Chapter 17 of Title 40 of the Code of Alabama 1975 so as to make further provisions as to the distribution of the proceeds of the highway gasoline tax, as that term is defined in the said Division.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 40-17-70 of the Code of Alabama 1975 is hereby amended so that the said Section 40-17-70 shall read in its entirety as follows:

**Section 40-17-70. Definitions.**

For the purpose of this division, the following terms shall have the meanings respectively ascribed to them in this section:

(1) **BASE ANNUAL COUNTY DISTRIBUTION.** Five hundred fifty thousand dollars.

(2) **COST OF COLLECTION.** The amounts from the proceeds of the highway gasoline tax that may be appropriated by the legislature to the department of revenue for its operating expenses.

(3) **COUNTY.** Each county in the state.

(4) **FISCAL YEAR.** A fiscal year of the state.

(5) **HIGHWAY DEPARTMENT.** The highway department of the state.

(6) **HIGHWAY GASOLINE TAX.**

a. The excise tax levied under section 40-17-31, exclusive of those portions of the said tax in respect of aviation fuel and marine gasoline, as those terms are used in the said section 40-17-31; and

b. The excise tax levied by sections 40-17-140 through 40-17-155, exclusive of that portion of the said tax in respect of diesel fuel.

(7) **LOCAL SUBDIVISIONS' SHARE OF THE NET TAX PROCEEDS.** The 55 percent of the net tax proceeds referred to in the first sentence of subsection (a) of section 40-17-73.

(8) **MUNICIPALITY.** An incorporated city or town in the state.

(9) **NET TAX PROCEEDS.** The entire proceeds from the highway gasoline tax less the cost of collection and less any refunds of the said proceeds pursuant to the provisions of article 3 of this chapter, or pursuant to the provisions of either of divisions 3 and 4 of this article 2.

(10) **STATE.** The state of Alabama.

(11) **STATE'S SHARE OF THE NET TAX PROCEEDS.** The 45 percent of the net tax proceeds referred to in the first sentence of subsection (a) of section 40-17-72.

(12) **PUBLIC HIGHWAY.** Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct or trestle, located either within a municipality or in unincorporated territory and laid out or erected as such by the public or dedicated or abandoned to the public or intended for use by or for the public. The term "public highway" shall apply to and include driveways upon the grounds of universities, colleges, schools and institutions, but shall not be deemed to include private driveways, private roads or private places not intended for use by the public.

The foregoing definitions shall be deemed applicable whether terms defined are used in the singular or plural.

**Section 2.** Section 40-17-72 of the Code of Alabama 1975 is hereby amended so that the said Section 40-17-72 shall read in its entirety as follows:

Section 40-17-72. Distribution of 45 percent of net tax proceeds.

(a) Forty-five percent of the net tax proceeds if hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said 45 percent of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as hereinafter provided in this section.

(b) A portion of the state's share of the net tax proceeds that is equal in amount to two sevenths (equivalent to six twenty-firsts) of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by the Alabama highway authority, a public corporation organized and

existing under the provisions of sections 23-1-150 through 23-1-160, in the order in which the said two sevenths of the net tax proceeds were pledged for the said bonds.

(c) A portion of the state's share of the net tax proceeds that is equal in amount to two twenty-firsts of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued prior to March 1, 1967, by the said Alabama highway authority, in the order in which the said two twenty-firsts of the net tax proceeds were pledged for the said bonds.

(d) A portion of the state's share of the net tax proceeds that is equal in amount to one twenty-first of the net tax proceeds shall be disbursed, to the extent necessary for such purpose, to pay at their respective maturities the principal of and interest on the bonds issued by the said Alabama highway authority after March 1, 1959, and prior to March 1, 1967, in the order in which the said one twenty-first of the net tax proceeds was pledged for the said bonds.

(e) The residue of the state's share of the net tax proceeds remaining after provision shall have been made, out of the aforesaid nine twenty-firsts of the net tax proceeds, for payment of the obligations referred to in the foregoing subsections (b), (c) and (d) of this section, shall be disbursed for the following purposes, in the following order and to the extent necessary therefor:

(1) For payment at their respective maturities of the principal of and interest on bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1967, Special Session, No. 225, p. 302, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in section 40-12-270, to be used for the payment of the principal of and interest on the said bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of said Act No. 225, should be insufficient to pay the said principal and interest at their respective maturities;

(2) For payment at their respective maturities of the principal of and interest on the bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1969, No. 781, p. 1398, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in section 40-12-270, to be used for the payment of the principal of and interest on the said bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of said Act No. 781, should be insufficient to pay the said principal and interest at their respective maturities;

(3) For payment at their respective maturities of the principal of and interest on the bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of Acts 1971, No. 1416, p. 2412, to such extent and to such extent only as the portion of the motor vehicle license taxes and registration fees provided in section 40-12-270, to be used for the payment of the principal of and interest on the said bonds, other than refunding bonds, issued by the said Alabama highway authority under the provisions of said Act No. 1416, should be insufficient to pay the said principal and interest at their respective maturities;

(4) For payment at their respective maturities of the principal of and interest on any bonds or other obligations, including refunding obligations, issued after December 1, 1977, by a public corporation existing at the time of issuance under the laws of the State pursuant to then existing statutory authorization, or by the State pursuant to then existing authorization, effective at the time of issuance, under the constitution and laws of the State, and for which the aforesaid residue, referred to in this subsection (e), of the state's share of the net tax proceeds shall have been appropriated and pledged in a then effective statute or constitutional provision (including any enabling act under a constitutional provision) under which such bonds may be issued, all in the manner and to the extent and subject to such priorities in rank as may be provided in such statute or constitutional provision or in any authorizing resolution thereunder; and

(5) For allocation on September 30 of each fiscal year to each county to which allocation shall have been made under the provisions of subsection (c) of section 40-17-73, during such fiscal year less than the base annual county distribution, of such sum as, when added to the amounts so allocated to that County under the said subsection (c) of section 40-17-73, will equal the base annual county distribution.

(f) The state's share of the net tax proceeds paid into the public road and bridge fund and not required for any of the purposes referred to in any of the foregoing subsections (b), (c), (d) and (e) of this section may be withdrawn by the highway department and used by it for highway purposes.

**Section 3.** Section 40-17-73 of the Code of Alabama 1975 is hereby amended so that the said Section 40-17-73 shall read in its entirety as follows:

Section 40-17-73. Disposition of 55 percent of net tax proceeds.

(a) Fifty-five percent of the net tax proceeds is hereby



allocated and appropriated to be used for highway purposes by the counties and municipalities. The said 55 percent of the net tax proceeds shall be covered into the state treasury and shall be disbursed and allocated as hereinafter provided in this section.

(b) A portion of the local subdivisions' share of the net tax proceeds that is equal to 25 percent of the net tax proceeds shall be allocated equally among the 67 counties of the state.

(c) The entire residue of the local subdivisions' share of the net tax proceeds, being an amount equal to 30 percent of the net tax proceeds less any amount paid pursuant to the contingent appropriation in subsection (b) of this section, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1960 federal decennial census. The allocation provided for in this subsection shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

**Section 4.** In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

**Section 5.** This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

Approved April 26, 1978

Time: 5:15 P.M.

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Act No. 583

H. 336—Crowe, Owens

### AN ACT

To amend Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature so as to clarify the said section; so as to provide that the pledges, provided for in the said Act No. 565, as amended by this act, of proceeds from certain taxes and fees as security for \$212,000,000 principal amount of obligations of Alabama Federal Aid Highway Finance Authority will be subject and subordinate not only to existing prior pledges but also to (i) all pledges of proceeds from the said taxes and fees that may hereafter be made as security for \$25,000,000 principal amount of bonds of Alabama Highway Finance Corporation and (ii) all pledges of the said proceeds that may be made after December 1, 1977, for the benefit of certain

vehicle license taxes and registration fees that are provided to be distributed to the State pursuant to the provisions of Division 1 of Article 5 of Chapter 12 of Title 40 of the Code of Alabama 1975 (formerly Article 8 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended), remaining after payment of the costs of collection thereof;

(b) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under the foregoing subsection (a) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the available federal aid funds and the amounts appropriated in the said subsection (a)] state share of the net gasoline tax proceeds;

(c) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under the foregoing subsections (a) and (b) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the available federal aid funds and the amounts appropriated in the foregoing subsections (a) and (b)] of the entire proceeds of the following excise taxes remaining after payment of the costs of collection thereof: (1) the excise tax levied by Article 1 of Chapter 17 of Title 40 of the Code of Alabama 1975 (formerly Act No. 590 adopted at the 1939 Regular Session of the Legislature, as amended), on the distributors and storers of motor fuel, as therein defined, and (2) the excise tax levied by Article 3 of Chapter 17 of Title 40 of the Code of Alabama 1975 (formerly Act No. 674 adopted at the 1961 Regular Session of the Legislature, as amended) (exclusive of that portion of the said tax in respect of gasoline); the term "cost of collection", as used in this subsection (c), meaning that portion of the excise taxes referred to in this subsection that may be appropriated by the Legislature to the Department of Revenue for its operating expenses;

(d) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under the foregoing subsections (a), (b) and (c) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and the interest on such Obligations, so much as may be necessary for such purpose [when added to the available federal aid funds and the amounts appropriated in the foregoing subsections (a), (b) and (c)] of all that portion of the receipts from the inspection fee on certain petroleum products, imposed by Division 1 of Article 5 of Chapter 17 of Title 8 of the Code of Alabama 1975 (formerly Act No. 1403 adopted at the 1971 Regular Session of the Legislature),

refunding bonds; and so as to delete the portion of the said Section 15 that provides for the pledge, for the benefit of obligations issued under the said Act No. 565, of the registration fee imposed by subdivision (5) of Section 37-3-32 of the Code of Alabama 1975.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 15 of Act No. 565 adopted at the 1976 Regular Session of the Legislature shall be and the same is hereby amended so that the said section shall read in its entirety as follows:

Section 15. Appropriation of Revenues to the Authority; Authorization to the Authority to Pledge for the Benefit of the Bonds and Notes. For the purpose of providing funds to enable the Authority to pay at their respective maturities and due dates the principal of and interest on the Obligations that may be issued by it under this Act, there hereby is irrevocably pledged and appropriated each year all federal aid interstate and defense highway funds to be received by the State Highway Department from the United States Government in each of the federal fiscal years ending in 1978, 1979, 1980, 1981, 1982 and 1983, to the extent that such funds may be required to pay the principal of and interest on such Obligations, and the State Highway Department is hereby authorized and directed to set aside the first moneys so received in each such fiscal year and deposit the same in the sinking fund hereinafter provided for until there shall have been accumulated therein an amount sufficient to pay the principal of and interest on the Obligations issued by the Authority hereunder which will mature or come due during the twelve month period of such federal fiscal year. All federal aid interstate and defense highway funds received by the State Highway Department from the United States Government during each such federal fiscal year shall be held in trust by the State and applied to the extent required to the payment of the principal of and interest on the Obligations authorized to be issued under this Act. Should said federal aid interstate and defense highway funds be insufficient or unavailable to pay the principal of and interest on the Obligations issued under the authority of this Act, at the respective maturities or due dates of such principal and interest, there is also irrevocably pledged to said purpose and appropriated so much of the following as may be necessary (subject, however, to the provisions of the last paragraph of this section):

(a) To such extent and to such extent only as the funds appropriated in the first sentence of this section and at the time available for such purpose (herein called "the available federal aid funds") may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose of those portions of the motor

that is required by the said act to be deposited to the credit of the public road and bridge fund; and

(e) To such extent and to such extent only as the available federal aid funds and the revenues appropriated under the foregoing subsections (a), (b), (c) and (d) of this Section may not be sufficient to pay at their respective maturities or due dates the principal of and interest on such Obligations, so much as may be necessary for such purpose [when added to the available federal aid funds and to the amounts appropriated in the foregoing subsections (a), (b), (c) and (d)] of the receipts from the fee, in respect of identification markers on motor vehicles, that is provided for in Section 40-17-150 of the Code of Alabama 1975 (formerly Section 11 of the aforesaid Act No. 674, adopted at the 1961 Regular Session of the Legislature, as amended).

All moneys hereby appropriated and pledged shall be paid into the State Treasury and shall constitute a sinking fund which shall be held in trust to be used to pay the principal of and interest on the Obligations. As security for the payment of the principal of and interest on the Obligations issued under this Act, the Authority is authorized to pledge the proceeds of the appropriation and pledge herein provided for. All pledges made by the Authority shall take precedence among themselves in the order of the adoption of the resolutions making such pledges, except as may be otherwise provided in such resolutions.

The pledges hereinabove made of the proceeds (or specified portions of the proceeds) from the taxes and fees referred to in subsection (a) to (e), inclusive, of this section, shall, with respect to each Obligation issued hereunder, be subject and subordinate to (i) all pledges of the proceeds (or portions thereof) of the said taxes and fees lawfully made as security for any bonds issued prior to December 1, 1977, by Alabama Highway Authority, (ii) all pledges of the proceeds (or portions thereof) of the said taxes and fees that may be hereafter made by Alabama Highway Finance Corporation as security for its bonds hereafter issued not exceeding \$25,000,000 in principal amount, and (iii) any refunding bonds that may be issued by Alabama Highway Authority after December 1, 1977, for the purpose of refunding any of the bonds referred to in clause (i) of this sentence if, and only if, the aggregate amount of principal and interest that will mature with respect to such refunding bonds during any fiscal year of the State does not exceed the amount of principal and interest, with respect to the bonds refunded by such refunding bonds, that have a stated maturity during the same fiscal year (or that would have had a stated maturity during the same fiscal year if such bonds had not been refunded).

**Section 2.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 26, 1978

Time: 5:15 P.M.

Act No. 584

H. 426—Martin, Lee, Owens, Hill, Carter, Cross, Moore (O), Roberts, Cates, Naramore, Kinsey, Smith (M), Crowe, Greer, Coburn, Folmar, Gregg, Williams

## AN ACT

Relating to voter registration; to provide for a board of registrars, their duties, terms and compensation; to provide for the registration of electors; to provide for clerical help and office supplies for registrars; to provide for meetings and times and places of registration by the board; to provide penalties for certain violations; to provide for the publication of the list of registered voters; to provide for deputy registrars; and to repeal Code of Alabama, 1975, Section 17-3-1 through 17-4-24, 17-4-40 through 17-4-47, 17-4-60 through 17-4-67 and other conflicting laws.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Qualifications. Any person possessing the qualifications of an elector set out in Article 8 of the Constitution of Alabama, as modified by federal law, and not laboring under any disqualification listed therein shall be elector and shall be entitled to register and to vote at any election by the people.

**Section 2.** Restoration of Right to Vote. Any person who is disqualified by reason of conviction of any of the offenses mentioned in Article 8 of the Constitution of Alabama, except treason and impeachment, whether the conviction was had in a state or federal court, and who has been pardoned may be restored to his citizenship with right to vote by the state board of pardons and paroles when specifically expressed in the pardon. If otherwise qualified, such person shall be permitted to register or reregister as an elector upon submission of a copy of the pardon document to the board of registrars or deputy registrars of the county of his residence.

**Section 3.** Temporary Absence not Affecting Residence. No person shall lose or acquire a residence either by temporary absence from his or her place of residence without the intention of remaining or by navigating any of the waters of this state, the United States, or the high seas, without having acquired

any other lawful residence, or by being absent from his place of residence in the civil or military service of the state or the United States.

**Section 4. Selection of Precinct of Residence.** When the place of residence of any person is located partly in two or more counties, districts or precincts, such persons may select the county, district or precinct of their residence, and to that end may file a statement in writing in the office of the judge of probate of the county selected, setting forth the locality of their residence and the lines passing through the same, together with the county, district or precinct selected for residence which statement, when filed and recorded, shall establish the residence of the person filing it in the county, district or precinct of their selection.

**Section 5. Liners.** Any person who may be declared to be a liner between counties, districts or precincts, and shall have fixed his or her citizenship according to law and that may be hereafter provided in such cases, shall be construed a citizen and elector of the county, district or precinct in which he or she so fixes his or her citizenship, for all the purposes of this act.

**Section 6. Board of Registrars; Appointment.** Registration shall be conducted in each county by a board of three reputable and suitable persons to be appointed, unless otherwise provided by law, by the governor, auditor and commissioner of agriculture and industries, or by a majority of them acting as a board of appointment, and who must be also qualified electors and residents of the county and who shall not hold an elective office during their term. One of said members shall be designated by the board of appointment as chairman of the board of registrars for each county. Provided further that the provisions of this section shall not apply in any county having a population of not less than 600,000 inhabitants according to the 1970 or any succeeding federal decennial census, and any currently effective local law or general law of local application providing for the appointment of any member of the board of registrars in such county shall remain in full force and effect and shall not be repealed by operation of this Act.

**Section 7. Terms; Removal.** The registrars so appointed under this act may be removed at the will of the appointing board, or a majority of the members thereof, at any time, with or without cause, and without giving their reasons therefor; and if not so removed, the registrars may hold office for four years from the time of their appointment and until their successors are appointed.

**Section 8. Vacancies; how filled.** If one or more of the persons appointed on such board of registration shall refuse,

neglect or be unable to qualify to serve, or if a vacancy or vacancies occur in the membership of the board of registrars, from any cause, the governor, auditor and commissioner of agriculture and industries, or a majority of them acting as a board of appointment shall make other appointments to fill such board.

**Section 9.** Compensation; allowances. Each registrar shall receive twenty dollars per day for each day's attendance upon business of the board, to be paid by the state and disbursed on order of a quorum of the board of registrars of the county. If a legal holiday falls on a day the board is to be in session, and the courthouse of the county is closed for the holiday, the board of registrars shall be compensated for such holidays. Each registrar shall receive 15 cents per mile for official travel in the course of registration in the county, to be paid in the same manner and from the same sources as his salary. The provisions of this section regarding travel mileage shall not apply in any county having a population of not less than 600,000 inhabitants according to the 1970 or any succeeding federal decennial census, and any currently effective local law or general law of local application regarding travel mileage for registrars in such county shall remain in full force and effect and shall not be repealed by operation of this act.

**Section 10.** Oath of office. Before entering upon the performance of the duties of his office, each registrar shall take the same oath as required by the judicial officers of the state, which oath may be administered by any person authorized to administer oaths. The oath shall be in writing and subscribed by the registrar, and filed in the office of the judge of probate of the county. Said registrars are judicial officers and shall act judicially in all matters pertaining to the registration of applicants.

**Section 11.** Session of Board; Working Days of Registrars. Each board of registrars in the counties of Autauga, Bibb, Blount, Chambers, Cherokee, Clarke, Clay, Cleburne, Conecuh, Coosa, Crenshaw, Dale, Dallas, Escambia, Geneva, Hale, Henry, Lamar, Lawrence, Limestone, Lowndes, Marengo, Perry, Pike, Sumter, Talladega, Tallapoosa, Walker, Washington, and Wilcox may meet a maximum of 120 session days each year; and each board of registrars in the counties of Barbour, Butler, Covington, Fayette, Greene, Lauderdale, Lee, Marion, Pickens, Randolph, St. Clair, and Winston may meet a maximum of 168 session days each year; and each board of registrars in the counties of Franklin, Geneva, Houston, and Marshall, Bullock and Macon may meet a maximum of 216 session days each year; and the boards of registrars in the counties of DeKalb, Elmore, Jackson, Russell and Shelby may meet a maximum of 120 registration days each year and on any day on which the full board does not meet and the

courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board to receive applications, administer oaths, and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached then those members wishing to participate in such daily attendance shall alternate working days. In the counties of Chilton, Choctaw, Coffee, Colbert, Cullman, and Monroe the board of registrars may meet a maximum of 168 session days each year and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths, and perform the clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days. The Board of Registrars of Etowah County may meet a maximum of 150 session days each year and on any day on which the full board does not meet and the courthouse of the county is open for business, excepting for Saturdays, there shall be in attendance at the courthouse one member of the board of registrars to receive applications, administer oaths, and perform clerical duties of the board. Upon unanimous agreement of the board, one member may be designated full-time chief clerk to effectuate the provisions of this paragraph. If no unanimous agreement be reached, then those members wishing to participate in such daily attendance shall alternate working days.

The counties of Baldwin, Calhoun, Jefferson, Madison, Mobile, Montgomery, Morgan, Tuscaloosa, which are now operating under the provisions of local bills, shall be exempted from the provisions of this section. The actual number of session days shall be determined by a quorum of the board according to the needs of the county. As many as 25 session days may be used for special registration sessions (i. e. those sessions held away from the courthouse in the several precincts of the county or sessions held on Saturday or between the hours of 5:00 p.m. and 9:00 p.m.) which special sessions are hereby authorized. Notice of any special session scheduled by the board must be given at least 10 days prior to the session by (1) bills posted at three or more public places in each election precinct affected if the session involves precinct visits, and (2) advertisement once a week for two successive weeks in a newspaper published in the county or by radio or television announcements on a local station, or both.



**Section 12. Supplies and Clerical Help for the Board.** All county governing bodies are authorized and directed to expend county funds for supplies, equipment, telephone service, office space and clerical help as may be necessary to carry out the purposes and provisions of this act. Any clerical personnel to work under the direction of the board of registrars shall be selected by the board of registrars and the compensation shall be set by the county governing body.

**Section 13. Deputy Registrars.** Each board may appoint deputy registrars to aid it in its performance of its lawful duties. Any person serving as a deputy registrar shall be trained by the board of registrars and shall serve without compensation. The board shall provide deputy registrars with all necessary registration forms and when such forms are completed the deputy registrar shall return them to the office of the board of registrars before the close of business on the next business day.

**Section 14. Registration Deadline.** The boards of registrars in the several counties of the state or their deputies shall not register any person as a qualified elector within 10 days prior to any election. Provided, however, that the boards shall maintain open offices during business days in such 10 day period and on election day during the hours of voting. Provided further that the provisions of this section shall not apply in any county having a population of not less than 600,000 inhabitants according to the 1970 or any succeeding federal decennial census, and any currently effective local law or general law of local application providing for a deadline on registration in such county shall remain in full force and effect and shall not be repealed by operation of this Act.

**Section 15. Certificate of Registration.** The registrars shall issue to each person registered a certificate of registration.

**Section 16. Time and Place of Meeting When There are Two Courthouses.** Where there are two or more courthouses in any county, the board of registrars shall divide the time equally between the courthouses for the purpose of holding regular sessions for registering voters and shall give notice accordingly.

**Section 17. Examination and Oath of Applicants to Register.** The Board of registrars shall have power to examine, under oath or affirmation, all applicants for registration, and to take testimony touching the qualifications of such applicants, but no applicant shall be required to answer any question, written or oral, not related to his qualifications to register. In order to aid the registrars to judicially determine if applicants to register have the qualifications to register to vote, each applicant shall be furnished

by the board a written application, which shall be uniform in all cases with no discrimination as between applicants, the form and contents of which application shall be prescribed by the supreme court of Alabama and be filed by such court with the secretary of state of the State of Alabama. The application shall be so worded that there will be placed before the registrars information necessary or proper to aid them to pass upon the qualifications of each applicant. The application shall be completed in writing, in the presence of the board or of a deputy registrar. There shall be incorporated in such application an oath to support and defend the Constitution of the United States and the Constitution of the United States and the Constitution of the State of Alabama and a statement in such oath by the applicant disavowing belief in or affiliation with any group or party which advocates the overthrow of the government of the United States or the State of Alabama by unlawful means. The application and oath shall be duly signed and sworn to by the applicant before a member or deputy of the board. If the applicant is unable to read or write, then he shall be exempt from the above state requirements which he is unable to meet and in such cases a member or deputy of the board shall read to the applicant the application and oath herein provided for and the applicant's answers thereto shall be written down by such board member or deputy and the applicant shall be registered as a voter if he meets all other requirements herein set out. Each member or deputy of the board is authorized to administer the oaths to be taken by applicants and witnesses. The applications of persons applying for registration shall not become public records as public records are defined under the laws of the State of Alabama, nor shall the board or its deputies disclose the information contained in such applications and written answers, except with the written consent of the person who filed the answer or pursuant to the order of a court of competent jurisdiction in a proper proceeding.

**Section 18.** Notice of Refusal of Registration Required. Any person making application to the board of registrars for registration who fails to establish by evidence to the reasonable satisfaction of the board of registrars that he or she is qualified to register, may be refused registration. The board shall give written notice to each applicant deemed unqualified, within 10 days of its refusal to register him, stating the specific reason for such refusal.

**Section 19.** Appeal from Refusal of Registration. Any person to whom registration is denied shall have the right of appeal, without giving security for costs, within thirty days after such denial, by filing a petition in the circuit court at law or court of like jurisdiction held for the county in which he or she seeks to register,

alleging that he or she is a citizen of the United States over the age of eighteen years having the qualifications as to residence prescribed by law and entitled to register to vote under the provisions of the Constitution of Alabama, as amended. Upon the filing of the petition, the clerk of the court shall give notice thereof to the district attorney authorized to represent the state in said county, who shall appear and defend against the petition on behalf of the state. The issues shall be tried in the same manner and under the same rules that other cases are tried in such court and by a jury, if the petitioner demands it. The registrars shall not be made parties and shall not be liable for costs. An appeal will lie to the supreme court in favor of the petitioner if taken within forty-two days from the date of the judgment. Final judgment in favor of the petitioner shall entitle him or her to registration as of the date of his or her application to the registrars.

**Section 20. Majority of the Board of Quorum.** The action of a majority of the board of registrars shall be the action of the board, and a majority of the board shall constitute a quorum for the transaction of all business.

**Section 21. Registration Required but Once.** No person heretofore registered and no person hereafter registered shall again be required to register unless he changed the county of his residence or was convicted of a disqualifying criminal offense and was subsequently pardoned with restoration of the right to vote expressed in the pardon, or was declared non compos mentis (incompetent), but has subsequently had those disabilities removed, or was stricken from the registered voter list for failure to vote at least once in four years.

**Section 22. Forms and Notices.** The department of finance shall, at the expense of the state, have prepared and furnished to the secretary of state and by him to be furnished to the boards of registrars in the several counties a sufficient number of forms and notices necessary to carry out their lawful functions.

The cost of the publication of the notices required to be given by the registrars shall be paid by the state, the bills therefor to be rendered to the director of finance and approved by him.

**Section 23. Voting in Precinct, etc.** Where Elector's Name does not Appear on Official List. It shall be unlawful for any elector to cast his or her ballot during any general election, primary election, municipal elections or special election in any precinct, any district, any ward or any other subdivision, where his or her name does not duly appear upon the official list of such precinct or subdivision. All ballots cast in any election contrary to the provisions of this section are hereby declared illegal and, upon a

contest duly instituted, such ballots shall be excluded in determining the final result of any election. Provided that nothing in this section shall prevent any qualified elector residing in said precinct, ward, or voting district from voting after presenting a proper certificate from the Board of Registrars or from voting a challenge ballot with the proper officials of said box or voting place.

**Section 24. Voters in Transferred Territory.** Every qualified elector of the State of Alabama who resides in territory which has been detached from one county and added to an adjoining county of the State of Alabama shall be entitled to have his name added to the list of the qualified electors of said county to which the territory wherein he resides has been added.

**Section 25. Lists of Registered Voters to be Published.** The judge of probate shall publish a correct alphabetical list of qualified electors by precinct, district or subdivision wherein each elector is registered to vote, in some newspaper with a general circulation in the county on or before the twentieth day preceding the regularly scheduled primary election. Such list shall be accompanied by a certificate that said lists contain the names of all qualified electors registered as of the date shown on the list certified by the board of registrars. Such list shall further state that any elector whose name was inadvertently omitted from the list shall have ten days in which to have his or her name entered upon the lists of qualified voters. If within ten days any voter shall reasonably satisfy the board of registrars by proper proof that any name should be added to the list, the board shall add such name to the list. The supplemental list of registered voters inadvertently omitted from the original list shall be published once in a newspaper of general circulation in the county on or before the seventh day preceding the date of the primary election.

**Section 26. Poll Lists.** The board of registrars shall, when registration is closed before a primary, general, or special election, certify to the probate judge any additions, deletions, corrections, or changes from the list previously prepared and submitted to the judge. From these lists the judge shall prepare correct alphabetical lists of the qualified electors registered by precincts, by districts or by subdivisions thereof where the precinct has been divided or subdivided, if not within a city or incorporated town, and by wards and other subdivisions, if within a city or incorporated town, and no others, which lists shall be certified by the board thereof officially to be full and correct copies of the lists of registered electors for each of said political subdivisions as the same appears from the records of the board, and shall deliver same to the probate judge for distribution to the officers of election. The probate judge shall deliver or cause to be delivered to the inspectors in each

precinct, each district, each ward or each other subdivision one copy of the list prepared for such box or voting place immediately preceding every general, primary or special election, and the delivered list shall contain only the names of persons qualified to vote at such box or voting place except that for purposes of information only there may be delivered to such inspectors lists prepared for other boxes or voting places. The list published in the newspaper before each primary election shall not be used as the poll list.

The judge of probate shall certify a copy of each such poll list to the secretary of state and shall provide a copy to the board of registrars. Both the board of registrars and the judge of probate shall keep a current copy of such lists open and subject to public inspection.

**Section 27. Information of Deaths, Incompetency, or Conviction.** In addition to all other duties now required by law, the several registrars of vital statistics for each of the several registration districts of this state shall furnish to the board of registrars of the county in which such district is located, once each month, a report of the death of all persons over eighteen years of age who resided in such registration district.

In addition to all other duties now required by law, the probate judges of the several counties of this state shall furnish to the board of registrars of their respective counties, once each month, a list of all residents of the county, eighteen years of age or over, who have been declared mentally incompetent.

In addition to all other duties required by law, the clerks of the circuit and district courts of this state, shall furnish to the board of registrars of each county, once each month a list of all residents of that county who have been convicted of any offense mentioned in Section 182 of the Constitution of 1901. Any person who willfully fails to perform such duties shall forfeit the sum of one hundred dollars for each such failure. Such sum may be recovered in an action by law by any citizen of the county in which the officer acts, one-half of his own use and one-half to the use of the state.

**Section 28. Purgation of Lists.** The board of registrars shall purge the registration list whenever it receives and confirms information that a person registered to vote in that county has died, become a non-resident of the state, or county been declared mentally incompetent, been convicted of any offense mentioned in Section 182 of the Constitution since being registered, or otherwise become disqualified as an elector. A person convicted of a disqualifying offense must be notified by certified mail of the board's intention to strike his name from the list. No person

convicted of a disqualifying crime may be stricken from the poll list while an appeal from the conviction is pending. Notice of the names of all other persons proposed to be stricken from the list shall be published, in some newspaper published in the county.

On the date set in the notice, or at a later date to which the case may have been continued by the board, the board shall proceed to consider the case of such elector whose name it proposes to strike from the registration list and determine the same. Any person whose name is stricken from the list may appeal from the decision of the board, without giving security for costs, and a trial by jury may be had; and the board shall forthwith certify the proceedings to the circuit clerk, who shall docket the case in the circuit court.

When the board has sufficient evidence furnished it that any elector has permanently moved from one precinct to another within the county, it shall transfer the name of such elector to the registration list of the precinct to which such elector has moved, and shall give notice by mail to such elector if the elector has not requested the change of registration.

Any member or deputy of the board of registrars who neglects or willfully refuses to perform the duties herein required of him shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not more than five hundred dollars and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than six months.

**Section 29.** Reason for Striking Electors Name Required to be Recorded. When the name of any elector is stricken from the registration list the records maintained by the board of registrars must show the reason for striking the elector from the list.

**Section 30.** Rules of Board. The board of registrars may make such rules and regulations as it deems proper for the receipt of applications for registration and the accomplishing in as expedient a manner as possible the registration of those entitled to register, but no person shall be registered until a majority of the board of registrars has passed favorably upon such person's qualifications.

**Section 31.** Forms and Supplies. The secretary of state shall furnish to each board of registrars the necessary forms, and supplies for effectuating the purpose of this act, and the expense incurred thereby shall be paid out of the state treasury. The several counties shall pay all other reasonable and necessary expenses incurred by the boards in carrying out the provisions of this act.

**Section 32.** Electors Temporarily out of the County May Register. The following persons shall be entitled to register to

vote by mail if they possess the qualifications of an elector and are not disqualified from voting under the Constitution and laws of Alabama, namely, members of the armed forces of the United States, persons employed outside the United States, persons absent because of attendance at institution of higher learning, and the spouses and children of such persons, provided, however, that such persons shall be entitled to register by mail only in the counties where they were residents prior to entering the status which makes them eligible for such registration.

An application for absentee registration shall be in writing and shall be filed with the board of registrars of the county in which the elector resides. The board shall furnish the applicant a written application in the same form as that provided other applicants and any additional application deemed necessary to determine eligibility to register, which application shall be answered by the applicant without assistance and shall be verified before a commissioned officer of the armed forces of the United States or any person authorized to administer oaths and take affidavits. Such application shall be filed with the records of board. The board may take other testimony respecting the applicant and the truthfulness of any information furnished by him. Any additional testimony so taken shall be reduced to writing and shall be sworn to by the witness before a member or clerk of the board or anyone authorized to administer oaths.

**Section 33. Notice of Previous Registration to be Given.** When a person makes application for registration before a county board of registrars, it shall be the duty of that board, if the elector has been previously registered before in any other county or state, to notify the registrar of voters in the county or state of his previous registration that such elector has applied for and been registered as an elector in the county where such application for registration is made.

When the notice required in this section is received by the board of registrars of any county where such person had been previously registered, it shall be the duty of the board of registrars receiving such notice to remove forthwith the name of such person from the list of qualified electors of the county of previous registration, and such person shall thereafter be disqualified to vote in any election held in any county or previous registration unless he shall be duly reregistered.

**Section 34. Code Sections Repealed.** Code of Alabama 1975, Sections 17-3-1 through 17-3-8, 17-4-1 through 17-4-24, 17-4-40 through 17-4-47 and 17-4-60 through 17-4-67 are hereby repealed.

**Section 35. General Repealer.** In addition to the above repealed laws, all other laws or parts of laws which conflict with this act are hereby repealed.

**Section 38. Severability.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 39. Effective Date.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:30 P.M.

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Act No. 585

S. 160—Teague

### AN ACT

To amend Sections 31-6-4, 31-6-5, and 31-6-6 of the Code of Alabama 1975, relating to the educational benefits for the children and wives and widows of deceased or totally disabled veterans, to extend those benefits to the children or the wives or widows of all veterans whose death or permanent disabilities are service-connected; and to provide further for the requisite extent of disability for the granting of benefits to wives and children of disabled World War II veterans.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Sections 31-6-4, 31-6-5 and 31-6-6 of the Code of Alabama 1975 are hereby amended to read as follows:

“§ 31-6-4. Any child whose father or mother:

“(1) Was killed or died in line of duty or is listed as missing in action or whose death or permanent total disabilities were service-connected while serving as a member of the armed forces; or

“(2) Died from a disability incurred from military service, as established by the state department of veterans' affairs, after having been discharged under conditions other than dishonorable and after having served at least 90 days consecutively in the armed forces prior to and/or subsequent to the date on which such disability occurred, or who was honorably discharged by reason of wartime, service-connected disability after serving less than 90 days; or

“(3) Has been assigned 100 percent permanent or total disabilities rated by the United States veterans' administration, or



was discharged or retired from the armed forces with a 40 percent or more disability and maintained that percentage (such person to be deemed to be a disabled veteran) may attend any Alabama state institution of higher learning, college or university for a period of four standard academic years of nine months each, not to exceed 36 months or the equivalent of 36 months if enrolled part time, without paying any tuition, fees or books whatsoever for such college or university attendance, or any such child may take a prescribed course in any Alabama state trade school for the length of any prescribed course of study of his or her choosing, and if such course does not require the full 36 months, then training for the remainder of such 36 months' entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books whatsoever. Training under this section must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this chapter beyond the thirty-fourth birthday of such child. A child whose father or mother is a prisoner of war while serving as a member of the armed forces in the Vietnam War period, as defined herein, may receive training under this chapter.

"§ 31-6-5. Any wife or widow whose husband, during their marriage:

"(1) Was killed or died in the line of duty or is listed as missing in action or as a prisoner of war while serving as a member of the armed forces;

"(2) Died from a disability incurred from military service; or

"(3) Is 100 percent permanently and totally disabled, whose permanent and total disabilities were service-connected shall be entitled to training in any Alabama state-supported college or university for a period of four standard academic years of nine months each, not to exceed 36 months or to training for the equivalent of 36 months if enrolled part time or to training in a prescribed course in a state-supported trade school, and if such course does not require the full 36 months, then training for the remainder of such 36 months' entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books, whatsoever. One change of program will be allowed without counseling. A wife shall be eligible for these benefits only during the period in which her husband is listed as missing in action or is serving as a prisoner of war. It is provided, however, that in order for such wife or widow to be eligible for the benefits receivable under this section, she must, except where

unable to do so because of circumstances beyond her control, begin her educational training within 10 years after September 19, 1973, or within five years after the death of the veteran, whichever occurs later. All training received under this section must be completed within eight years after the beginning date of the four-year course. This section shall not apply to the widow of any such deceased serviceman or veteran who has remarried prior to applying for an obtaining educational benefits under this section, and should any such widow of such deceased serviceman or veteran remarry during time she is in attendance upon any of the schools, colleges or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college or university from the time of her remarriage. The benefits provided under this section shall be in addition to federal government benefits.

“§ 31-6-6. (a) The wife and children of any veteran who is suffering from 40 to 90 percent service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from 40 percent or more of service-connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service, as established by the state department of veterans' affairs, shall be entitled to the following educational advantages and opportunities:

“(1) The wife or widow, as the case may be, shall be entitled to up to 18 months of schooling or the equivalent of 18 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course in any Alabama state-supported trade school without the payment of any tuition, fee or books. One change of program will be allowed without counseling. It is provided, however, that all training received at state institutions of higher learning or state trade schools under the provisions of this subdivision must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.

“(2) Each child of such disabled veteran shall be entitled to four standard academic years, not to exceed nine months each attendance, or the equivalent of 36 months if enrolled part time, in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course at an Alabama state-supported trade school. If the course of training at the trade school does not require the full time to which such child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university only, without payment of any tuition, fees or books. One change of program will be allowed

without counseling. Training under his subdivision must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this section beyond the thirty-fourth birthday of such child.

"(b) The benefits provided under this section shall be available in addition to federal government benefits. Any child, wife or widow who was denied full entitlement, 18 or 36 months, whichever the case may be, shall have the remainder of their entitlement reinstated under this chapter.

"(c) Provided, however, that the wife or child of any veteran who received a 20 to 90 percent disability in World War II, shall be entitled to receive the benefits provided in this section."

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:45 P.M.

Act No. 586

S. 223—Noonan

## AN ACT

To require a notification procedure for the issuance by counties, cities, towns, municipalities and public corporations of industrial revenue bonds under Sections 11-20-1, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipalities), Section 11-54-80, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by municipal industrial development boards), Section 11-58-1, et seq. CODE OF ALABAMA 1975, as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.), as amended (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337 enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotels and motels projects), Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30, et seq. of the CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued by county industrial development boards), to provide, in addition to their present functions and duties, the functions and duties of the Alabama Securities Commission and its Director (as

provided under Sections 8-6-50, et seq. CODE OF ALABAMA 1975, with respect to such industrial revenue bonds), to establish and provide for the membership, functions and duties of the State Industrial Revenue Bond Advisory Council; to authorize the issuance of stop orders by the Alabama Securities commission and/or the Director delaying or prohibiting the issuance of industrial revenue bonds; to provide for certificates of notification by the Director, the effect of such certificate, and a remedy for failure or refusal of the Director to issue such certificate; to provide for the assessment of filing fees by the Securities Commission; to provide criminal penalties for willful violations of this act or stop orders issued thereunder; and to provide relief from stop orders of the Director by readoption by the governing body of the issuer of the authorizing proceedings, or from stop orders issued by the Alabama Securities Commission by judicial validation under Sections 6-6-750, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by counties, cities and towns) and Sections 11-81-220, et seq. CODE OF ALABAMA 1975 (relating to the judicial validation of securities issued by boards and public corporations) and as supplemented in this act for proceedings hereunder, and relief from stop orders of the Council by such judicial validation.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Meaning of Words and Phrases Used in Act. The following words and phrases as used in this act shall, unless the context clearly indicates the contrary, have the following meaning:

“Authorizing Act” means (a) any of the following sections of the CODE OF ALABAMA 1975, as amended: Sections 11-20-1, et seq. (relating to industrial revenue bonds to be issued by counties), Sections 11-54-20, et seq. (relating to industrial revenue bonds to be issued by municipalities), Sections 11-54-80, et seq. (relating to industrial revenue bonds to be issued by municipal industrial development boards), Sections 11-58-1, et seq., as amended (relating to industrial revenue bonds to be issued by municipal medical clinic boards), Sections 22-21-170, et seq. CODE OF ALABAMA 1975 (relating to industrial revenue bonds to be issued by county and municipal hospital authorities), or (b) the following acts of the Alabama Legislature: Act No. 4, enacted at the 1956 Second Special Session of the Alabama Legislature (1956 Acts, p. 240, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), Act No. 337, enacted at the 1971 Third Extra Session of the Alabama Legislature (1971 Acts, p. 4625, et seq.) (relating to industrial revenue bonds to be issued by certain municipalities to finance hotel and motel projects), and Act No. 762 enacted at the 1977 Regular Session of the Alabama Legislature and now appearing in Sections 11-20-30 et seq. of the CODE OF ALABAMA 1975 (1977 Cumulative Supplement) (relating to industrial revenue bonds to be issued county industrial development boards).

“Commission” means the Alabama Securities Commission existing under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

“Council” means the State Industrial Revenue Bond Advisory

Council herein created and provided for.

“Director” means the Director appointed by the Commission pursuant to Sections 8-6-50, et seq. CODE OF ALABAMA 1975 or, in the absence of the Director or his inability to act, the deputy director appointed by the Director as provided in said Sections.

“Governing Body” means the county commission, council, board of commissioners, board of directors or other governing body of any Issuer.

“Guarantor” means the guarantor of the performance by the Lessee of its obligations under a Lease or the guarantor of any Industrial Revenue Bonds.

“Improvident” with respect to any Industrial Revenue Bonds means that there is a reasonable probability that such Bonds will be deficient in one or more of the following respects:

- (a) The Project may not be completed;
- (b) The principal of or interest on the Industrial Revenue Bonds will not be paid when due; or
- (c) The Industrial Revenue Bonds may be sold or distributed by such parties or in such manner as to constitute a fraud on one or more purchasers thereof.

“Industrial Revenue Bonds” means the bonds, warrants, notes, certificates of indebtedness or other obligations issued by any Issuer under the authority of the Authorizing Act to finance or refinance a Project or to refund such Bonds, but does not include either (a) any such obligation unless the Lessee is a “Lessee” as hereinafter defined or (b) any issue of such bonds, warrants, notes, certificates of indebtedness or other obligations each of which has a stated maturity not more than eighteen months from the date of its issuance and evidences a loan initially made by a bank to the Issuer of such bonds, warrants, notes, certificates of indebtedness or other obligations.

“Issuer” means any county, city, town, municipality or public corporation issuing Industrial Revenue Bonds under the Authorizing Act.

“Judicial Validation” means the procedure described in Section 10 of this act by which Industrial Revenue Bonds may be validated and culminating in a decree of the circuit court validating such Bonds.

“Lease” means the lease, installment purchase or other agreement by which the Lessee obtains the right to use the Project and agrees to make payments sufficient to pay the principal of and

interest on the Industrial Revenue Bonds issued to finance or refinance the Project.

"Lessee" means the lessee, purchaser or user of a Project under the Lease, but "Lessee" does not include the State of Alabama, any county, any city, town or municipality, any public corporation, or any non-profit corporation organized and operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private share holder, member or individual.

"Notification" means the instrument and/or the procedure by which an Issuer is required by this act to notify the Director of the proposed issuance of Industrial Revenue Bonds prior to the issuance thereof.

"Project" means any land, plant, building, facilities, equipment or other property proposed to be acquired with the proceeds of any Industrial Revenue Bonds to be used by a Lessee under a Lease.

"Served upon the Issuer" as applied to a Stop Order, notice of a reference to the Commission or of a hearing before the Commission, means that it shall have been deposited in the United States mail in a sealed envelope with first class, certified postage prepaid, properly addressed to the Issuer at the address shown in the Notification or delivered to the person who signed the Notification behalf of the Issuer.

"Stop Order" means an order issued by the Director or by the Commission in accordance with this act prohibiting the Issuer from issuing the Industrial Revenue Bonds described in the Notification or any Bonds in lieu thereof.

**Section 2. Findings of Fact; Declaration of Intent.** The Legislature hereby finds and determines that unscrupulous promoters may take advantage of the Authorizing Act by inducing Issuers to issue Industrial Revenue Bonds which careful investigation by the Issuer or other responsible parties would reveal to be Improvident. The standing of all Issuers could be impaired and the purposes of the Legislature in enacting the Authorizing Act could be thwarted by such Improvident issues.

The purpose of this act is to provide a procedure whereby the State of Alabama, acting through the Director and the Commission, with the advice of the Council, may assist in developing facts to aid the Issuer in the exercise of its authority under the Authorizing Act, and, to that end, to delay the issuance of Industrial Revenue Bonds pending adequate investigation by the Director or to prevent the issue of Industrial Revenue Bonds found

to be Improvident.

**Section 3. The Director.** The Director shall have authority to consider and investigate proposed issues of Industrial Revenue Bonds; to advise and consult with Issuers with respect thereto; to publish such notices of proposed issues of Industrial Revenue Bonds or proposed rules and regulations as are required by this act or the rules and regulations of the Commission; to stop the issuance of Industrial Revenue Bonds for the limited times and under the procedures herein provided by issuing the orders and giving the notices herein required; to cause information concerning a proposed issue of Industrial Revenue Bonds to be presented at any meeting of the Governing Body at which Industrial Revenue Bonds are to be authorized or reauthorized or any hearing upon the Judicial Validation of such issue; and to perform such other functions and duties as may be required by this act or by order of the Commission. The authority herein granted to the Director is in addition to that granted under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

**Section 4. The Commission.** The Commission shall have authority to stop the issuance of Industrial Revenue Bonds under the procedures herein provided; and to issue such rules and regulations as it considers necessary or desirable to prescribe the form and content of Notifications, the conduct of investigations, the issuance of Stop Orders, appeals by Issuers or references by the Director to the Commission, and the conduct of hearings thereon; but no rule or regulation shall be adopted by the Commission until:

(1) The Commission shall have first submitted the proposed rule or regulation to the Council and the Council shall at a duly convened meeting have considered the same and made its recommendations or comments thereon to the Commission; provided, however, that if thirty days shall have elapsed since such submission to the Council without the Council having made any recommendations, the Commission may proceed to adopt such rule or regulations; and provided, further, that the Commission shall not be obligated to follow the recommendations or comments of the Council; and

(2) The Commission shall hold a public hearing on such proposed rules and regulations, of which notice shall be given by publication one time in a daily newspaper published in the City of Montgomery and in such other manner as the Commission shall direct.

The authority herein granted to the Commission is in addition to that granted under Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

**Section 5. The Council.** The State Industrial Revenue Bond Advisory Council is hereby established. The Council shall be composed of five members to be appointed by the Governor from among resident citizens of the State who are persons of good repute and knowledgeable in the field of investment banking or industrial development, but no person who is engaged in the business of marketing or placing Industrial Revenue Bonds shall be appointed. The term of office of each member shall be for a period of six years from the effective date of this Act or until his successor shall have been appointed and shall have qualified; provided, however, that the terms of office of two of the first members shall be for two years, those of two of the first members shall be for four years, and that of one of the first members shall be for six years, so as to provide staggered terms of office. The Council shall elect from its members a Chairman and a Vice Chairman. The Director shall act as Secretary of the Council but shall have no vote or rights as a member thereof. Three members of the Council shall constitute a quorum. The Chairman or any two members shall have the right to call a meeting of the Council at the offices of the Commission or at such other place as shall be convenient to the members. The Council shall advise the Commission and the Director with respect to their administration of this Act, shall have the authority to propose any rule or regulation for adoption by the Commission and shall consider and make recommendations or comments concerning any rule or regulation proposed by the Commission and the issues in any hearing conducted by the Commission under this Act. The members of the Council shall be paid necessary travel expense in and about the performance of their official duties.

**Section 6. Notifications.** From and after the thirtieth day following the effective date of this act, any Issuer proposing to issue any Industrial Revenue Bonds under authority of the Authorizing Act shall at least 20 days prior to the date of delivery of such Industrial Revenue Bonds deliver to the Director a Notification in writing of its intention to issue such Industrial Revenue Bonds; provided that for good cause shown the Director may waive, shorten or, with the consent of the Issuer, extend the 20 day requirement. The Notification shall contain the name and address of the Issuer, the Lessee, the Guarantor, if any, the trustee, the underwriter, purchaser and/or fiscal agent or agents, legal counsel for each of the above named parties and bond counsel, the estimated face amount of the bond issue, and the estimated capital budget for the Project, insofar as such information is available to the Issuer when it files the Notification, and such other information as may be reasonably prescribed by the rules and regulations which may be issued by the Commission to advise the Director, the Commission and the Council of the nature of the proposed transaction. Each



notification shall be accompanied by a filing fee equal to 1/20% of the principal amount of Industrial Revenue Bonds described in the Notification; provided that no filing fee shall be less than \$25, nor greater than \$1,000. All such fees shall be deposited in a special account in the State Treasury to be withdrawn by the Director for the use of the Commission in the administration of this act. All Notifications shall be available for public inspection during the normal business hours of the Director.

**Section 7. Action of Director Upon Receipt of Notification; Stop Orders.** Upon receipt of a Notification, the Director shall mail a copy to each member of the Council and shall cause a preliminary investigation or inquiry to be made into the proposed issue to determine whether there exist circumstances which, in his opinion, indicate that the proposed issue of Industrial Revenue Bonds may be an Improvident issue. If he finds that the proposed issue may be Improvident, he shall advise the Issuer of his finding and shall issue a Stop Order or Stop Orders requiring that for such period as he may determine, not, however, exceeding in the aggregate 90 days after the filing of the Notification, the Issuer shall not issue the Industrial Revenue Bonds proposed in the Notification or any Industrial Revenue Bonds in lieu thereof. When such Stop Order shall have been Served upon the Issuer, it shall be fully effective (a) unless lifted by the Director or the Commission for good cause shown or (b) unless the proposed Industrial Revenue Bonds described in the Notification shall have been reauthorized by the Governing Body of the Issuer at a meeting of which at least 20 days notice shall have been given in writing to the Director and by publication in a newspaper published or circulated in the county in which the Issuer is located and at which meeting the Governing Body shall have considered any comments or objections presented by the Director or his representative. The Director shall mail to each member of the Council a copy of each Stop Order at the time it is issued and of each notice of a meeting of the Governing Body of any Issuer for reauthorization of Industrial Revenue Bonds at the time it is received by him.

**Section 8. Appeals or Reference to the Commission.** When a Stop Order has been issued by the Director, the Issuer shall have the right to appeal the matter to the Commission by notice in writing of such appeal delivered to the Director. The Director shall have the right to refer to the Commission the matter of any issue of Industrial Revenue Bonds proposed in a Notification as to which a Stop Order is then in effect or which have been reauthorized by the Governing Body of the Issuer pursuant to Section 7 of this act, and to request that the Commission issue a permanent Stop Order. Notice of such reference and request shall be given in writing and

served upon the Issuer. The Director shall mail to each member of the Council a copy of each notice required by this section as soon as it is delivered to him or prepared for service upon the Issuer.

**Section 9. Proceedings Before the Commission.** When the matter of any proposed Industrial Revenue Bond issue shall have been appealed by the Issuer to the Commission or referred to the Commission by the Director with the request that the Commission issue a permanent Stop Order with respect thereto, the Director shall convene the Commission and the Commission shall conduct a hearing thereon within 14 days after receipt by the Director of the notice of appeal or service upon the Issuer of the reference thereof; provided that at the request of the Issuer the date of the hearing may be postponed. Notice of the time, place and purpose of such hearing shall be served upon the Issuer at least 3 days before the date of the hearing and the Issuer and other interested parties shall have the right to appear and be heard in person or by counsel. The Director shall mail a copy of such notice to each member of the Council as soon as it is prepared for service. Members of the Council shall have the right to attend such hearing and the Commission shall have the right to require such members to attend. The Council or those members who attend may comment upon or advise the Commission with regard to the issues at the hearing, but the Commission shall not be required to heed the advice or comments of the Council or its members. The Commission shall render a decision within 3 days after such hearing. Pending the determination by the Commission of any appeal or reference the Stop Order theretofore issued by the Director shall remain in effect until the Commission shall have rendered a decision or 3 days after the hearing, whichever is the earlier date. If, upon a hearing of the matter, the Commission shall conclude that the proposed issue of Industrial Revenue Bonds is Improvident, the Stop Order theretofore issued by the Director shall be made permanent and neither the proposed Industrial Revenue Bonds nor any Industrial Revenue Bonds in lieu of such Bonds shall be issued until they shall have been approved by Judicial Validation in proceedings instituted by the Issuer after the issuance of the Stop Order. If, upon the other hand, upon such hearing, the Commission shall conclude that the issue is not Improvident, the Commission shall lift the Stop Order and the Issuer may proceed to issue the proposed Industrial Revenue Bonds.

**Section 10. Judicial Validation; Additional Requirements.** Any Judicial Validation proceedings instituted hereunder shall conform to and be conducted in accordance with either Sections 6-6-750, et seq. CODE OF ALABAMA 1975, or Sections 11-81-220, et seq. CODE OF ALABAMA 1975,

whichever shall be applicable to the Issuer; provided that the petition shall allege that the issue of Industrial Revenue Bonds proposed by the Issuer is not Improvident, the Director shall be served with notice of such proceeding in the same manner and for the same time as the County Solicitor, the Director shall be entitled to attend the hearing before the circuit court having jurisdiction of the matter in person or by attorney, present evidence and be heard by the court, and the court shall not validate unless upon evidence presented at the hearing, the court finds and determines that such issue is not Improvident. The Director shall mail a copy of any such notice to each member of the Council upon his receipt thereof. No judicial validation proceedings shall be instituted under this act until the Commission shall have entered a Stop Order or until the expiration of fifteen days after the proposed Industrial Revenue Bond issue shall have been appealed by the Issuer or referred to the Commission by the Director without any Stop Order having been issued.

**Section 11.** Certificate of Notification; Representation that Industrial Revenue Bonds Have Been Approved Prohibited. In the event that (i) 20 days shall have expired after the filing by an Issuer of the Notification required by Section 6 of this act describing proposed Industrial Revenue Bonds to be issued by it, or the Director shall have waived, shortened or, with the consent of the Issuer, extended such waiting period and (ii) no Stop Order shall then be effective as to the proposed Industrial Revenue Bonds, the Director shall provide each Issuer with a certificate substantially as follows:

**"CERTIFICATE OF NOTIFICATION**

"The \_\_\_\_\_ of \_\_\_\_\_ (the Issuer) has filed in my office a Notification under Act No. \_\_\_\_\_ of the 1978 Regular Session of the Alabama Legislature stating its intention to issue \$ \_\_\_\_\_ of its \_\_\_\_\_ Industrial Revenue Bonds and no Stop Order is effective as to the issue of such Bonds. This certificate is not an approval of said Bonds, and it is unlawful for any person to represent that such Bonds have been approved by the Director, the Commission or any other agency of the State.

"This \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Director                   "

It shall be unlawful for any Issuer to issue any Industrial Revenue Bonds under the authority of the Authorizing Act unless the foregoing certificate with respect to such Industrial Revenue Bonds shall have been issued by the Director or unless the proposed Industrial Revenue Bonds shall have been reauthorized by the Governing Body of the Issuer pursuant to Section 7 of this act or

shall have been judicially Validated pursuant to Sections 9 and 10 of this act. When a certificate of notification shall have been issued by the Director, no Stop Order thereafter issued either by the Director or the Commission with respect to the Industrial Revenue Bonds described in such certificate shall be effective unless, prior to the issuance of the Industrial Revenue Bonds described in such certificate, such Stop Order shall have been served personally upon the person who signed the Notification in behalf of the Issuer and upon each bond counsel named in the Notification with respect to the Industrial Revenue Bonds described in such certificate. When the Industrial Revenue Bonds described in a certificate of notification shall have been issued, such certificate shall be conclusive evidence of formal compliance by the Issuer with this act, and the failure of the Issuer to comply with any requirement of this act in issuing the Industrial Revenue Bonds described in such certificate shall not affect the validity of such Industrial Revenue Bonds. In the event that any Industrial Revenue Bonds shall be issued without a certificate of notification having been issued with respect thereto, the holder of any such Bonds shall, in addition to any other right he may have by statute or law, have the right of rescission as to such Bonds; provided that such right shall be exercised within 12 months of the date on which such Bonds shall have been delivered by the Issuer and paid for; and provided further that any right of recovery against the Issuer shall be limited to the then unexpended proceeds of such Bonds. In the event that the Director shall refuse to issue a certificate of notification to any Issuer entitled thereto, an appeal shall lie to the Commission or the Circuit Court of Montgomery County, which shall have jurisdiction to require the Director forthwith to issue any certificate wrongfully withheld. It shall be unlawful for any Issuer or any person, firm or corporation to represent that an issue of Industrial Revenue Bonds has been approved by the Director or the Commission or any agency of the State, whether the certificate herein provided for shall have been issued or not.

**Section 12. Criminal Penalties.** Any Lessee, any Guarantor or any officer of any Issuer, Lessee or Guarantor or any other person firm or corporation who (a) willfully violates this act, (b) willfully participates in the issuance of any Industrial Revenue Bonds without having obtained the certificate of notification required by the preceding section, (c) willfully participates in the issuance of any Industrial Revenue Bonds in violation of this act, (d) willfully violates any Stop Order lawfully issued by the Director or the Commission under this act and in effect, or (e) makes or files or causes to be made or filed, with the Director or the Commission under the Act, any statement, document, or other paper which is false in any material respect or matter, shall be guilty of a felony

and upon conviction shall be fined not more than \$10,000 or shall be imprisoned for a period not exceeding 10 years or both so fined and so imprisoned, as the trial court shall determine. No prosecution under this Section shall be commenced more than five years after the occurrence of the alleged violation.

**Section 13.** Construction. This act is remedial in nature and shall not be construed so as to repeal any provision of Sections 8-6-1, et seq. CODE OF ALABAMA 1975, or Sections 8-6-50, et seq. CODE OF ALABAMA 1975.

**Section 14.** Severability. If any section, provision, clause, or portion of this act shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause or provision of this Act which is not in and of itself invalid or unconstitutional.

**Section 15.** Effective Date. This act shall take effect immediately upon its passage and approval by the governor or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:30 P.M.

Act No. 587

S. 659—Teague and Proctor

### AN ACT

To appropriate \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated \$1,200,000.00 from the Special Educational Trust Fund to the Alabama Institute for Deaf and Blind for capital outlay purposes for the fiscal year ending September 30, 1979.

This appropriation shall continue in full force and effect from year to year until said project is completed and shall not revert at the end of any fiscal year.

The appropriation herein made shall be in addition to any and all other funds heretofore or hereinafter appropriated to the Alabama Institute for Deaf and Blind. In the event a bond issue is approved providing funds for this purpose, that amount provided

for in the bonds issue shall revert to the Special Education Trust Fund.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:35 P.M.

Act No. 588

S. 660—Teague and Proctor

### AN ACT

To appropriate \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** There is hereby appropriated \$570,000.00 from the Special Educational Trust Fund to the Adult Department of the Alabama Institute for Deaf and Blind for the construction, erection, maintenance and equipping of a sheltered workshop for the deaf and severely handicapped for the fiscal year ending September 30, 1979.

This appropriation shall continue in full force and effect from year to year until said project is completed and shall not revert at the end of any fiscal year. In the event a bond issue is approved providing funds for this purpose, this appropriation shall revert to the Special Educational Trust Fund.

**Section 2.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:30 P.M.

Act No. 589

H. 54—Merrill

### AN ACT

To provide that the Department of Public Safety shall provide and maintain a minimum of two personnel to protect the person of any former governor who while in office sustained permanent bodily injury from any violent criminal act.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The Department of Public Safety shall provide and maintain two personnel to provide protection and security to the person of any former governor, who while in office, sustained permanent bodily injury from any violent criminal act of another.

**Section 2.** Such personnel shall be provided beginning at the end of the term of office of any such governor, and shall continue for such time and duration as deemed necessary by such former governor.

**Section 3.** This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:30 P.M.

Act No. 590

H. 179—Falkenburg, Clark, Armstrong,  
Roberts, Carter, Biddle, McNees,  
White, Andrews, Hopping, Trammell,  
Moore (O), Riddick, McCluskey,  
Gafford

### AN ACT

To provide that Alabama enter into the Interstate Agreement on Detainers Act, with other member-states, which promotes cooperation between the several states to secure a speedy trial of persons already incarcerated in other jurisdictions by the expeditious and orderly disposition of all detainers based on untried indictments, information or complaints; and to further provide for the uniform mandatory disposition of detainers so as to prescribe the manner and procedures for release of detainers available to incarcerated persons against whom there is pending untried indictments, information or complaints.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** The agreement on detainers is hereby enacted into law and entered into by the State of Alabama with any and all jurisdictions legally joining therein, in the form substantially as follows:

#### "TEXT OF THE AGREEMENT ON DETAINERS"

"The contracting States solemnly agree that:

#### "Article I

"The party States find that charges outstanding against a prisoner, detainers based on untried indictments, informations, or complaints and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party States and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party States also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

#### "Article II

"As used in this agreement:

"(a) 'State' shall mean a State of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

"(b) 'Sending State' shall mean a State in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to article III hereof or at the time that a request for custody or availability is initiated pursuant to article IV hereof.

"(c) 'Receiving State' shall mean the State in which trial is to be had on an indictment, information, or complaint pursuant to article III or article IV hereof.

#### "Article III

"(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party State, and whenever during the continuance of the term of imprisonment there is pending in any other party State any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred and eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint: Provided, That, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official



having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decision of the State parole agency relating to the prisoner.

“(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections, or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

“(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

“(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the State to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the State to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

“(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving State to serve any sentence there imposed upon him after completion of his term of imprisonment in the sending State. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be

required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

“(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

#### “Article IV

“(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party State made available in accordance with article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the State in which the prisoner is incarcerated: Provided, That the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request: And provided further, That there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending State may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

“(b) Upon request of the officer’s written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the State parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving State who has lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

“(c) In respect of any proceeding made possible by this article, trial shall be commenced within one hundred and twenty days of the arrival of the prisoner in the receiving State, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

“(d) Nothing contained in this article shall be construed to

deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending State has not affirmatively consented to or ordered such delivery.

“(c) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner’s being returned to the original place of imprisonment pursuant to article V(e) hereof, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

#### “Article V

“(a) In response to a request made under article III or article IV hereof, the appropriate authority in a sending State shall offer to deliver temporary custody of such prisoner to the appropriate authority in the State where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in article III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving State shall be entitled to temporary custody as provided by this agreement or to the prisoner’s presence in Federal custody at the place of trial, whichever custodial arrangement may be approved by the custodian.

“(b) The officer or other representative of a State accepting an offer of temporary custody shall present the following upon demand:

“(1) Proper identification and evidence of his authority to act for the State into whose temporary custody this prisoner is to be given.

“(2) A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

“(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in article III of article IV hereof, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any

force or effect.

“(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

“(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending State.

“(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

“(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending State and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

“(h) From the time that a party State received custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending State, the State in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the States concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party State, or between a party State and its subdivisions, as to the payment of costs, or responsibilities therefor.

#### “Article VI

“(a) In determining the duration and expiration dates of the

time periods provided in articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

“(b) No provision of this agreement, and no remedy made available by this agreement shall apply to any person who is adjudged to be mentally ill.

#### “Article VII

“Each State party to this agreement shall designate an officer who, acting jointly with like officers of other party States, shall promulgate rules and regulations to carry out more-effectively the terms and provisions of this agreement, and who shall provide, within and without the State, information necessary to the effective operation of this agreement.

#### “Article VIII

“This agreement shall enter into full force and effect as to a party State when such State has enacted the same into law. A State party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any State shall not affect the status of any proceedings already initiated by inmates or by State officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

#### “Article IX

“1. This agreement shall be liberally construed so as to effectuate its purpose. The provisions of this agreement shall be severable and in any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance in held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

“2. The phrase ‘appropriate court’ as used in the agreement on detainers shall, with reference to the courts of this state, mean any court with criminal jurisdiction.

“3. All courts, departments, agencies, offices and employees of this state and its political subdivisions are hereby directed to enforce the agreement on detainers and to cooperate with one another and with other party states in enforcing the agreement and

effectuating its purposes.

"4. Escape from custody while in another state pursuant to the agreement on detainers shall constitute an offense against the laws of this state to the same extent and degree as an escape from the institution in which the prisoner was confined immediately prior to having been sent to another state pursuant to the provisions of the agreement on detainers and shall be punishable in the same manner as an escape from said institution.

"5. It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this state to give over the person of any inmate thereof whenever so required by the operation of the agreement on detainers.

"6. The governor is hereby authorized and empowered to designate an administrator who shall perform the duties and functions and exercise the powers conferred upon such person by Article VII of the agreement on detainers.

"(7) In order to implement Article IV(a) of the agreement on detainers, and in furtherance of its purposes, the appropriate authorities having custody of the prisoner shall, promptly upon receipt of the officer's written request, notify the prisoner and the governor in writing that a request for temporary custody has been made and such notification shall describe the source and contents of said request. The authorities having custody of the prisoner shall also advise him in writing of his rights to counsel, to make representations to the governor within thirty days, and to contest the legality of his delivery."

**Section 2.** This Act may be cited as the Uniform Mandatory Disposition of Detainers Act.

**Section 3.** (a) Any person who is imprisoned in a penal or correctional institution of this state may request final disposition of any untried indictment, information or complaint pending against him in this state. The request shall be in writing addressed to the court in which the indictment, information or complaint is pending and to the district attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment.

(b) The warden or other like official having custody of prisoners shall promptly inform each prisoner in writing of the source and nature of any untried indictment, information or complaint against him of which the warden or other like official had knowledge, or notice, and of his right to make a request for final disposition thereof.

(c) Failure of the warden or other like official to inform a prisoner, as required by this section, within one year after a

detainer has been filed at the institution shall entitle him to a final dismissal of the indictment, information or complaint with prejudice.

**Section 4.** The request shall be delivered to the warden or other like official having custody of the prisoner, who shall forthwith:

(1) certify the term of commitment under which the prisoner is being held, the time already served on the sentence, the time remaining to be served, the good time earned, the time of parole eligibility of the prisoner, and any decisions of the state board of pardons and paroles relating to the prisoner; and

(2) send by registered or certified mail, return receipt requested, one copy of the request and certificate to the court and one copy to the district attorney to whom it is addressed.

**Section 5.** Within ninety days after the receipt of the request and certificate by the court and district attorney or within such additional time as the court for good cause shown in open court may grant, the prisoner or his counsel being present, the indictment, information or complaint shall be brought to trial; but the parties may stipulate for a continuance or a continuance may be granted on notice to the attorney of record and opportunity for him to be heard. If, after such request, the indictment, information or complaint is not brought to trial within that period, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment, information or complaint be of any further force or effect, and the court shall dismiss it with prejudice.

**Section 6.** Escape from custody by any prisoner subsequent to his execution of a request for final disposition of an untried indictment, information or complaint voids the request.

**Section 7.** This Act does not apply to any person adjudged to be mentally ill.

**Section 8.** The warden or other like official having custody of prisoners shall arrange for all prisoners to be informed in writing of the provisions of this Act, and for a record thereof to be placed in the prisoner's file.

**Section 9.** This Act shall be so construed as to effectuate its general purpose to make uniform the laws of this state with those states joining in the Interstate Agreement on Detainers Act.

**Section 10.** The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 11.** All laws or parts of law which conflict with this

Act are repealed.

**Section 12.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 1:30 P.M.

Act No. 591

H. 152—Carothers

### AN ACT

To provide bidding procedures and contents thereof in connection with the licensing of motion pictures, to provide that once bids are solicited, the distributor may license the picture only by bidding, to prohibit the practice of "blind bidding" and to provide penalties for violation of this Act, including damages and attorneys fees.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Intent of the Legislature.

The intent of this Act is to establish fair and open procedures for the bidding and negotiation for the right to exhibit motion pictures within the state in order to prevent unfair and deceptive acts or practices and unreasonable restraints of trade in the business of motion picture distribution within the state; promote fair and effective competition in that business; and insure that exhibitors have the opportunity to view a motion picture and know its contents before committing themselves to exhibiting it in their municipalities or towns.

**Section 2.** Short title. This Act shall be known as the "Alabama Motion Picture Fair Competition Act."

**Section 3.** Definitions. As used in this Act,

(a) The term "person" includes one or more individuals, partnerships, associations, societies, trusts, organizations, or corporations.

(b) The term "theatre" means any establishment in which motion pictures are exhibited to the public regularly for a charge.

(c) The term "distributor" means any person engaged in the business of distributing or supplying motion pictures to exhibitors by rental, sale or licensing.

(d) The term "exhibitor" means any person engaged in the business of operating one or more theatres.



(e) The term "exhibit" or "exhibition" means showing a motion picture to the public for a charge.

(f) The term "invitation to bid" means a written or oral solicitation or invitation by a distributor to one or more exhibitors to bid for the right to exhibit a motion picture.

(g) The term "bid" means a written offer or proposal by an exhibitor to a distributor in response to an invitation to bid for the right to exhibit a motion picture, stating the terms under which the exhibitor will agree to exhibit a motion picture.

(h) The term "license agreement" means any contract, agreement, understanding or condition between a distributor and an exhibitor relating to the licensing or exhibition of a motion picture by the exhibitor.

(i) The term "trade screening" means the showing of a motion picture by a distributor at the location of the film exchange that distributes his picture in Alabama, which is open to any exhibitor from whom the distributor intends to solicit bids or with whom the distributor intends to negotiate for the right to exhibit the motion picture.

(j) The term "blind bidding" means the bidding for, negotiating for, or offering or agreeing to terms for the licensing or exhibition of a motion picture at any time before such motion picture has either been trade screened or before such motion picture, at the option of the distributor, otherwise has been made available for viewing by all exhibitors from whom the distributor is soliciting bids or with whom the distributor is negotiating for the right to exhibit such motion picture.

(k) The term "run" means the continuous exhibition of a motion picture in a defined geographic area for a specified period of time. A "first run" is the first exhibition of a picture in the designated area; a "second run" is the second exhibition; and "subsequent runs" are subsequent exhibitions after the second run. "Exclusive run" is any run limited to a single theatre in a defined geographic area and a "nonexclusive run" is any run in more than one theatre in a defined geographic area.

#### **Section 4. Blind bidding.**

(a) Blind bidding is hereby prohibited within the state. No bids shall be returnable, no negotiations for the exhibition or licensing of a motion picture shall take place, and no license agreement of any of its terms shall be agreed to, for the exhibition of any motion picture before the motion picture has either been trade screened or before such motion picture, at the option of the distributor, otherwise has been made available for viewing by all

exhibitors from whom the distributor is soliciting bids or with whom the distributor is negotiating for the right to exhibit the motion picture.

(b) A distributor shall provide reasonable and uniform notice of the trade screening of any motion picture to those exhibitors from whom he intends to solicit bids or with whom he intends to negotiate for the right to exhibit that motion picture.

(c) Any purported waiver of the prohibition against blind bidding in this act shall be void and unenforceable.

**Section 5.** Bidding procedures. If bids are solicited from exhibitors for the licensing of a motion picture within the state, then:

(a) The invitation to bid shall specify (1) whether the run for which the bid is being solicited is a first, second or subsequent run; whether the run is an exclusive or nonexclusive run; and, the geographic area for the run; (2) the names of all exhibitors who are being solicited; (3) the date and hour the invitation to bid expires; and (4) the time, date and the location, including the address, where the bids will be opened.

(b) All bids shall be submitted in writing and shall be opened at the same time and in the presence of those exhibitors, or their agents, who submitted bids and are present at such time.

(c) Immediately upon being opened, the bids shall be subject to examination by exhibitors, or their agents, who submitted bids, and who are present at the opening. Within ten business days after the bids are opened, the distributor shall notify each exhibitor who submitted a bid either the name of the winning bidder or the fact that none of the bids were acceptable.

(d) Once bids are solicited, the distributor shall license the picture only by bidding and may solicit rebids if he does not accept any of the submitted bids.

**Section 6.** Civil enforcement by penalties and injunction for successful civil action. In any civil action for damages against a person for violation of the provisions of this Chapter, the court may award damages to the prevailing party and reasonable attorneys fees. The provisions of this Chapter may be enforced by injunction or any other available equitable or legal remedy.

**Section 7.** The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional such declaration shall not effect the part which remains.

**Section 8.** This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise

becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.

Act No. 592

H. 11—Smith (C)

### AN ACT

To provide that any person who produces, displays, disseminates, or possesses with intent to disseminate obscene matter displaying or depicting children under the age of seventeen years engaged in lewd sexual activity or any parent or guardian who knowingly permits their child to be depicted therein shall be guilty of a felony and punished as provided herein, to provide a method of proof that such child is under the age of seventeen, to provide that possession of six or more copies of the same obscene material is prima facie evidence of intent to disseminate the same and to provide for the forfeiture and condemnation of certain property used in or related to the defined crimes, and to provide definitions for its provisions.

*Be It Enacted by the Legislature of Alabama:*

#### Section 1. Definitions:

(a) "Disseminate" means to sell, lend, or show for monetary consideration or to offer or agree to do the same.

(b) "Display publicly" means the exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a matter that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, depot or vehicle.

(c) "Public thoroughfare, depot or vehicle" means any street, highway, park, depot or transportation platform or other place, whether indoors or out, or any vehicle for public transportation owned or operated by government, either directly or through a public corporation or authority, or owned or operated by any agency of public transportation that is designed for the use, enjoyment or transportation of the general public.

(d) "Knowingly" means a person knowingly disseminates or publicly displays obscene matter when the person knows the nature of the matter. A person knows the nature of the matter when either of the following circumstances exist:

(i) The person is aware of the character and content of the matter, or

(ii) The person recklessly disregards circumstances suggesting the character and content of the matter.

(e) "Sado-masochistic abuse" means either of the following:

(i) Flagellation or torture, for the purpose of sexual stimulation, by or upon a person who is nude or clad in undergarments or in a revealing or bizarre costume.

(ii) The condition of a person who is nude or clad in undergarments or in a revealing or bizarre costume being fettered, bound or otherwise physically restrained for the purpose of sexual stimulation.

(f) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation.

(g) "Sexual intercourse" means intercourse, real or simulated, whether genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between a human and an animal.

(h) "Masturbation" means manipulation, by hand or instrument, of the human genitals, whether one's own or another's for the purpose of sexual stimulation.

(i) "Other sexual conduct" means any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(j) "Nudity" means the lewd showing of the genitals or pubic areas, or the lewd showing of the post-pubertal human female breasts below a point immediately above the top of the areola, or the lewd showing of covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are uncovered.

(k) "Matter" means any book, magazine, newspaper or other printed or written material, or any picture, drawing, photograph, motion picture, or other pictorial representation or electrical or electronic reproduction or any other articles, equipment, machines or materials.

(l) "Obscene" when used to describe any act or matter which contains a depiction of an act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, nudity, or other sexual conduct means such an act or matter which:

(i) Applying contemporary local community standards, on the whole, appeals to the prurient interest and

(ii) Is Patently offensive, and

(iii) On the whole, lacks serious literary, artistic, political, or scientific value.

(m) "Local community" means the judicial circuit in which the indictment is brought.

**Section 2.** Any person who shall knowingly disseminate or display publicly any obscene matter displaying or depicting in any way a person under the age of seventeen years engaged in or involved in any way in any obscene act of said sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, nudity or other sexual conduct shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than 10 years or less than 1 year and 1 day, and a fine of not more than \$5,000.

**Section 3.** Any person who knowingly possesses with intent to disseminate any obscene matter displaying or depicting in any way a person under the age of seventeen years engaged in or involved in any way in any obscene act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, nudity or other sexual conduct shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than 10 years or less than 1 year and 1 day, and a fine of not more than \$5,000. Possession of six or more copies of the same obscene material is prima facie evidence of possession with intent to disseminate the same.

**Section 4.** (a) In proving that any person displayed or depicted in any obscene matter as being engaged in or involved in any obscene act set out in Sections 2, 3, 7, and 8 herein is under the age of seventeen years, the state is not required to introduce into evidence a birth certificate, produce testimony as to the date of birth of such person or produce testimony of any person who knows or is acquainted with the person alleged to be under the age of seventeen years. If the defendant or the State intends to rely on a birth certificate to prove the date of birth of any person displayed or depicted in any obscene matter as being engaged in or involved in any act set out in Sections 2 and 3 above, such defendant or the State shall file with the clerk of the court in which the action is pending, at least fifteen days prior to trial, a notice of an intention to rely on an official, certified copy of a birth certificate together with a copy of the said birth certificate. Prior to the trial of the cause, the court shall conduct a hearing to determine the authenticity of the said birth certificate. If the said birth certificate is found by the court to be a genuine copy of the official birth certificate of the person depicted in the obscene matter and the said certificate affirmatively shows that the said person is over the age of sixteen

years, then the case shall be forthwith dismissed against the defendant.

(b) A jury, or the court if a jury trial is waived, may infer from the following factors whether or not the person displayed or depicted in any obscene matter is under the age of seventeen years:

- (i) The general body growth and bone structure of the person;
- (ii) The development of pubic hair or body hair on the person;
- (iii) The development of the person's sexual organs;
- (iv) The context in which the person is placed by any accompanying printed or text material;
- (v) Any expert testimony as to the degree of maturity of the person.

(c) The existence of any and all of the factors listed in Subsection (b) above shall not operate to change the requirement that before any conviction may be had the State must convince the factfinder beyond a reasonable doubt that the person displayed or depicted in the obscene matter is under the age of seventeen years.

**Section 5.** The state shall not be required to establish the identity, either in the indictment or in any subsequent proceeding, of the person alleged to be under the age of seventeen years who is displayed or depicted in any obscene matter as being engaged in any of the obscene acts described in Sections 2, 3, 7, and 8 herein.

**Section 6.** Where the circumstances of the dissemination or public display of the obscene matter indicates that it is being commercially exploited by the defendant for the sake of its prurient appeal, such evidence may be probative in determining whether the matter appeals to the prurient interest, is patently offensive and lacks serious literary, artistic, political and scientific value.

**Section 7.** Any parent or guardian who knowingly permits or allows any person under the age of seventeen years to engage in the production of any obscene matter displaying or depicting in any way such person under the age of seventeen years engaged in or involved in any way in any obscene act of sado-masochistic abuse, sexual excitement, masturbation, nudity or other sexual conduct shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not more than 20 years or less than 2 years, and a fine of not more than \$10,000.

**Section 8.** Any person who knowingly films, prints, records, photographs, or otherwise produces any obscene matter displaying or depicting in any way a person under the age of seventeen years engaged in or involved in any way in any obscene act of sado-

masochistic abuse, sexual intercourse, sexual excitement, masturbation, nudity or other sexual conduct shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for life or not less than 10 years, and a fine of not more than \$20,000.

**Section 9.** Any article, equipment, machine, materials, matter, vehicle, or other thing whatsoever used in the commercial production, transportation, dissemination, display, or storage of any obscene matter displaying or depicting a person under the age of seventeen years engaged in any of the obscene acts described in Sections 2, 3, 7 and 8 herein shall be contraband and shall be forfeited to the State of Alabama. The manner, method, and procedure for the forfeiture and condemnation of such thing shall be the same as that provided by law for the confiscation or condemnation or forfeiture of automobiles, conveyances, or vehicles in which alcoholic beverages are illegally transported.

**Section 10.** The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

**Section 11.** This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.

Act No. 593

H. 170—Merrill

### AN ACT

To make further appropriations of State Funds for the fiscal year ending September 30, 1978.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** In addition to all other appropriations heretofore or hereafter made from the state General Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For transfer to the State Board of Corrections:

For salaries ..... \$2,300,000.00

For salaries, operation and maintenance at the new

Draper facility ..... 900,000.00

For transfer to the Medical Services Administration:

For medical assistance through the  
Medicaid Program ..... 2,400,000.00

(Provided, however, that the above \$2,400,000 for the Medicaid Program shall only be expended after the Medicaid Services Administration has initiated a study of the feasibility of implementing additional cost containment measures.)

For the Unified Judicial Program ..... 1,800,000.00

For the Department of Toxicology to implement the  
Forensic Pathology Program for North Alabama .... 50,000.00

For the Department of Finance to implement the new  
Financial Management System ..... 200,000.00

For the Department of Public Safety:

For the hiring, training, and equipping of 70  
additional troopers ..... 500,000.00

(Provided, however, that the above amount for the Department of Public Safety shall be conditional on the passage of adequate funds in the Act proposed by H.B. 244 for said Department for the succeeding fiscal year. The State Budget Officer shall determine how many additional troopers can be afforded in the fiscal year ending September 30, 1979, and shall only release and the Department shall only spend so much of the above \$500,000 in the fiscal year ending September 30, 1978 as will allow the Department of Public Safety to hire the said determined number of troopers.)

For purchase and equipping of automobiles ..... 365,000.00

(Provided, however, that no more than 50 automobiles shall be purchased and equipped with this appropriation and in no event shall more automobiles be purchased than the number of new troopers hired under the preceeding appropriation of \$500,000.)

For Alabama Travel Council:

For operations and maintenance and  
Fall Writers Tour ..... 25,000.00

For the Parks Division of the Department of  
Conservation: For Salaries ..... 115,000.00

For maintenance of parks ..... 185,000.00



Total Parks Division .....300,000.00

(Provided that the above amount for maintenance shall include expenditures for roofing, painting, plumbing, electrical and structural repairs, contract services for air conditioning equipment servicing and inspection, boiler inspection and repairs, septic tank and grease trap cleaning.)

For the Liquified Petroleum Gas Board:

For operations and maintenance .....21,157.00

For the Legislature:

For salaries and general operations .....400,000.00

**Section 2.** In addition to all other appropriations heretofore or hereafter made from the Special Educational Trust Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the mumps immunization program .....200,000.00

**Section 3.** In addition to all other appropriations heretofore or hereafter made from the Marine Resources Fund there is hereby appropriated from said fund for the fiscal year ending September 30, 1978 the following:

For the Marine Resources Division:

For the purchase and installation of diesel engines for the Bertrum patrol boat .....35,000.00

For Capital Outlay:

The Department of Conservation is authorized to expend any available monies from the Marine Resources Fund for the capital outlay purposes including repair, maintenance and construction of boat launching ramps during the fiscal year ending September 30, 1978.

**Section 4.** In addition to all other appropriations heretofore or hereafter made from the Lodgings Tax which is credited to the use of the Department of Publicity and Information there is hereby appropriated from said tax for the fiscal year ending September 30, 1978 the following:

For the Department of Publicity and Information:

For the state promotion program .....200,000.00

(Provided, however, that of the above amount for the promotion program the amount of \$15,000 shall be transferred to the Alabama Mountain Lakes Association to be used for operation and maintenance.)

**Section 5.** Should any work, phrase, clause, section or part of this Act be held to be unconstitutional, it shall not affect the part which remains.

**Section 6.** This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.

Act No. 594

H. 308—White, Manley, Gafford, Harris,  
Barron, Roberts, Folmar, Johnstone,  
Hill, Jackson (R), Leonard, Crowe,  
Robertson, Lutz, Kennedy, Warren

### AN ACT

To provide for the qualifications and selection of jurors; to provide for a master list, master jury box and trial court box; to provide for qualification forms and the questionnaires to be used thereon; and to repeal Sections 12-16-2, 12-16-4, 12-16-5, 12-16-39, 12-16-41, 12-16-42, and 12-16-43 of the Code of Alabama 1975.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Declaration of Policy. It is the policy of this state that all persons selected for jury service be selected at random from a fair cross section of the population of the area served by the court and that all qualified citizens have the opportunity in accordance with this act to be considered for jury service in this state and an obligation to serve as jurors when summoned for that purpose.

**Section 2.** Prohibition of Discrimination. A citizen shall not be excluded from jury service in this state on account of race, color religion, sex, national origin, or economic status.

**Section 3.** Master List. (a) The jury commission for each county shall compile and maintain an alphabetical master list of all persons in the county who may be called for jury duty, with their addresses and any other necessary identifying information. This list may include all registered voters, persons holding drivers licenses and registering motor vehicles, and may include other lists, such as lists of utility customers and persons listing property for ad

valorem taxation, which will include persons whose listing will foster the policy and protect the rights provided in Section 1 and 2 hereof.

The list shall avoid duplication of names. The list shall be reviewed and corrected and new names added from time to time but at least every four years.

(b) Whoever has custody, possession or control of any lists used in compiling the master list shall make the list available to the jury commission for inspection, reproduction, and copying at all reasonable times.

(c) The master list shall be open to the public for inspection at all reasonable times.

**Section 4. Master Jury Box.** (a) The name of every person on the master list shall be set forth on a card listing the name or identifying number as a prospective juror, and the cards shall be placed in the master jury box as provided in this section.

(b) The number of prospective jurors to be placed in the master jury box shall be 1,000 plus one percent of the total number of names on the master list. From time to time additional prospective jurors may be placed in the master jury box as determined by the jury commission or ordered by the circuit court. In July of each even numbered year, the master jury box shall be emptied and refilled as herein prescribed.

(c) The names or identifying numbers of prospective jurors to be placed in the master jury box shall be selected by the jury commission at random from the master list as follows:

The total number of names on the master list shall be divided by the number of names to be placed in the master jury box and the whole number next greater than the quotient shall be the "key number," except that the key number shall never be less than two. A "starting number" for making the selection shall then be determined by a random method from the numbers one to the key number, both inclusive. The required number of the names shall then be selected from the master list by taking in order the first name on the master list corresponding to the starting number and then successively the names appearing on the master list at intervals equal to the key number, recommencing if necessary at the start of the list until the required number of names has been selected. Upon recommencing at the start of the list, or if additional names are subsequently to be selected for the master jury box, names previously selected from the master list shall be disregarded in selecting additional names.

**Section 5.** Drawings from master jury box and completion of juror qualification forms. (a) From time to time and in a manner prescribed by the circuit court, the jury commission shall publicly draw at random from the master jury box the names or identifying numbers of as many prospective jurors as the court orders. Neither the names drawn nor any list thereof shall be disclosed to any person other than pursuant to this act or specific order of the court. The jury commission shall mail to every prospective juror whose name is drawn from the master jury box a juror qualification form accompanied by instructions to fill out and return the form to the jury commission within 10 days after its receipt.

(b) The juror qualification form shall be prepared by the Supreme Court of Alabama and shall elicit the name, age and address of the prospective juror, and whether or not the prospective juror:

- (1) Is a citizen of the United States;
- (2) has been a resident of the county for twelve months;
- (3) is able to read, speak, understand and follow instructions given by a judge in the English language;
- (4) has lost the right to vote by conviction for any offense involving moral turpitude.

(c) The juror qualification form shall contain the prospective juror's declaration that the responses are true to the best of the knowledge of the juror. If the prospective juror is unable to fill out the form, another person may do so for the juror, and shall indicate on the form who filled it out and the reason therefor.

(d) If there is an omission, ambiguity or error in a returned form, the commission shall again send a form to the prospective juror with instructions to make the necessary additions, clarification or correction and return the form within 10 days of its receipt.

(e) In the event any prospective juror fails to return a completed juror qualification form as instructed by the commission, the commission shall notify the prospective juror to appear forthwith before the commission to fill out properly the juror qualification form. At the time of the appearance of the juror before the commission, the juror may be required to fill out another form, and may be questioned with regard to the responses to the questions contained on the form and the grounds for excuses or disqualifications. Any information thus acquired shall be noted on the form.

(f) In the event any prospective juror fails to return a

completed juror qualification form as instructed by the commission, or fails to appear before the commission, the name of such prospective juror may be certified to the court to appear and show cause for such failure. If the prospective juror fails to appear pursuant to the court's order, or fails to show good cause for failure to follow instructions of the commission, such prospective juror shall be guilty of criminal contempt of court, and upon conviction shall be punished accordingly.

(g) Any person who willfully misrepresents a material fact on a juror qualification form for the purpose of securing or avoiding service as a juror shall be guilty of a misdemeanor, and upon conviction therefor, shall be punished accordingly.

**Section 6. Qualification for Jurors.** (a) A prospective juror is qualified to serve on a jury if the juror is generally reputed to be honest and intelligent and is esteemed in the community for integrity, good character and sound judgment and also:

(1) Is a citizen of the United States and a resident of the county for more than 12 months, over the age of 19 years;

(2) Is able to read, speak, understand, and follow instructions given by a judge in the English language;

(3) Is capable by reason of physical and mental ability to render satisfactory jury service, and is not afflicted with any permanent disease or physical weakness whereby the juror is unfit to discharge the duties of a juror;

(4) Has not lost the right to vote by conviction for any offense involving moral turpitude.

(b) The jury commission shall determine on the basis of information provided on the jury qualification form, or interviews with the prospective juror or other competent evidence:

(1) If the prospective juror is qualified. If so, the name or identifying number of the juror shall be placed in the trial court jury box.

(2) If not, the commission shall notify the prospective juror of its decision and certify the juror's name to the court as disqualified. The juror shall have 10 days within which to appear before the court to review such decision. If the court finds such juror to be qualified, the court shall so certify to the commission. If the juror fails to appear, or the court finds such juror not qualified, the court shall so certify to the commission.

(c) In any event, the jury commission shall enter on the master list the ultimate determination of the qualification of each juror.

**Section 7.** Trial Court Jury Box. The jury commission shall maintain a trial court jury box and shall place therein the name or identifying numbers of all prospective jurors drawn from the master jury box who are not disqualified from which grand juries and petit juries are drawn as provided by law.

**Section 8.** Exemptions. No qualified prospective juror is exempt from jury service.

**Section 9.** Excuses for jury service. (a) The court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service. The jury commission shall enter this determination on the juror qualification form and the master list.

(b) A person who is not qualified for jury service (Section 8) may be excused from jury service by the court only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the court deems necessary, at the conclusion of which the person may be directed to reappear for jury service in accordance with the court's direction.

**Section 10.** Preservation of Records. All records and papers compiled and maintained by the jury commission in connection with the selection and service of jurors shall be preserved by the jury commission for 4 years after the master jury box used in their selection is emptied and refilled and for any longer period ordered by the court.

**Section 11.** Repeal of specific sections of Code. Sections 12-16-2, 12-16-4, 12-16-5, 12-16-39, 12-16-41, 12-16-42 and 12-16-43 of the Code of Alabama 1975 are hereby expressly repealed.

**Section 12.** General Repeal Section. All laws and parts of laws in conflict with the provisions of this act are to the extent of such conflict hereby repealed.

**Section 13.** Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 14.** Effective Date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.

Act No. 595

S. 741—Jones

## AN ACT

To amend Sections 14-1-4 and 14-1-6 of the Code of Alabama 1975, so as to allow the commissioner of corrections to appoint one additional deputy commissioner; to provide that the commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections; and to provide further for the compensation of all deputy commissioners.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Section 14-1-4, Code of Alabama 1975, is hereby amended to read as follows:

“§ 14-1-4. (a) The board may appoint such officers and employees as it may require for the performance of its duties and shall fix and determine their qualifications, duties and authority. Unless otherwise provided by law, all of the employees of the board, except the commissioner of corrections and the deputy commissioners of corrections; not to exceed three, shall be subject to the provisions of law with respect to the method, selection, classification and compensation of state employees on a basis of merit.

“(b) The rules and regulations of the state personnel department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists or allied professional supportive personnel employed by the board.

(c) The commissioner, deputy commissioners and all other appointed personnel shall serve at the pleasure of the board of corrections.

**Section 2.** Section 14-1-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 14-1-6. (a) The board shall appoint a commissioner of corrections, who shall serve at the pleasure of the board and shall be responsible to it. He shall be the chief administrative officer of the board, and the board may delegate any of its administrative powers and authority to him. The commissioner of corrections shall be a man of good character, of good business experience and experience in the administration of correctional systems. He shall have no financial interest in any partnership, corporation or association with which the board has any financial dealings.

“(b) Before entering upon the duties of his office, the commissioner of corrections shall execute to the state of Alabama a bond, to be approved by the governor, in an amount to be fixed by the governor, but not less than \$10,000.00, for the faithful

performance of his duties.

“(c) The commissioner of corrections, with the approval of the board, shall have the authority to appoint deputy commissioners not to exceed three, and to define their duties. Their salaries shall each be as specified by law.”

**Section 3.** Section 14-1-9, Code of Alabama 1975, is hereby amended to read as follows:

**Section 3.** Seciton 14-1-9 Same - Advisor to Governor and Legislature.

The board shall be the advisor of the Governor and the Legislature in matters relating to penal and correctional institutions, pardons and paroles and related matters. The board shall advise the Governor and the Legislature at least thirty (30) days prior to making a decision on construction of permanent facilities or any new or existing prison site.

**Section 4.** All laws or parts of laws in conflict with this act are repealed.

**Section 5.** The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 6.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.

Act No. 596

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H. 824—Barron, Gafford, Jackson (R), Morris, Clark, Folmar, Smith (J), Langford, Lockett, Hill, Moore (O), Tucker, Taylor, Hall, Biddle, Waggoner, McNees, Falkenburg, Trammell, Plaster, Venable, Cates, Smith (M), Baker, Turnham, Carothers, Williams, Sasser, Robertson, Holley, Whatley, Warren, Ford, Greer, Starkey, Smith (B), Gregg, Albright, Reed, McNair, Crawford, Holmes (A), Wyatt, Owens, Jackson (F), Campbell,



Shelton, Glass, Harris, Cooper,  
 Younce, Shoemaker, Boles, Weeks,  
 Kelley, Townes, Callahan, Lee,  
 Johnson, White, Pegues, Howard,  
 Andrews, Leonard, Hopping, Hilliard,  
 Jolly, Lutz, Martin, Crowe, Drake,  
 Manley, Merrill, Holmes (D),  
 Kennedy, Dial, Buskey, Sandusky,  
 Sonnier, Hines, McMillan, Thomas

### AN ACT

To provide for the termination of alimony under a decree of divorce upon proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

*Be It Enacted by the Legislature of Alabama:*

**Section 1.** Any decree of divorce providing for periodic payments of alimony shall be modified by the court to provide for the termination of such alimony upon petition of a party to the decree and proof that the spouse receiving such alimony has remarried or that such spouse is living openly or cohabiting with a member of the opposite sex.

**Section 2.** The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**Section 3.** All laws or parts of laws which conflict with this act are hereby repealed.

**Section 4.** This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1978

Time: 4:30 P.M.